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No. 62

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. ESHOO).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
April 18, 2007.

I hereby appoint the Honorable ANNA G. ESHOO to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

The Reverend Ron Jackson, East Gaffney Baptist Church, Gaffney, South Carolina, offered the following prayer:

Eternal God, our Heavenly Father, Your praise will always be upon our lips because You are the wonderful counselor, the mighty God, the everlasting Father, the Prince of Peace.

We thank You for every blessing of life. You have been so good to us. We are grateful for the privilege of living and working in this great country.

Thank You for our President and every Member of this body. May there be love for You and love for one another because love never fails. Bless each marriage and strengthen every family.

Bless our military personnel around the world. Give each one strength, grace, wisdom and courage. Comfort those families who have experienced the death of a loved one in service of our country.

Loving Father, please minister to the devastated families, students and others who are dealing with the tragedy that has occurred at Virginia Tech University.

Now I pray that You would give wisdom and clear guidance to each Mem-

ber of this body as they conduct our Nation's business today.

I offer this prayer in the wonderful name of our all sufficient Lord.  
Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. STEARNS) come forward and lead the House in the Pledge of Allegiance.

Mr. STEARNS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### CALENDAR WEDNESDAY

The SPEAKER pro tempore. Today is the day of Calendar Wednesday. The Clerk will call the roll of committees.  
The Clerk called the committees.

### PARLIAMENTARY INQUIRIES

Mr. SESSIONS. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. I understand that the procedure that the Chair just went through is known as Calendar Wednesday. Is it correct that any bill reported by a committee and placed on the Union or House calendar could have been called up by the chairman as the committee name was read?

The SPEAKER pro tempore. A non-privileged bill otherwise in order may

be called up on formal authorization by the reporting committee.

Mr. SESSIONS. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. H.R. 1429, Head Start Reauthorization, was reported out of the Ed and Labor Committee on March 23, 2007. Would it have been in order for the chairman or his designee to call up H.R. 1429 at this time?

The SPEAKER pro tempore. Clause 2(b) of rule XIII is sufficient authority for the chairman of a committee to call up a bill on Calendar Wednesday.

Mr. SESSIONS. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. Similarly, H.R. 493, the Genetic Information Non-discrimination Act, was reported by the Ed and Labor Committee on March 5, 2007. Would it have been possible to call up H.R. 493 at this time?

The SPEAKER pro tempore. Yes.

Mr. SESSIONS. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. Is it in order for Mr. McKEON, the ranking member of the Education and Labor Committee, to call up the bill under his committee's jurisdiction, Head Start?

The SPEAKER pro tempore. A committee member other than the chairman must have specific authorization of the committee to call up a bill on Calendar Wednesday.

Mr. SESSIONS. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. Is it in order for any member of the minority to call up a bill during the call of the committees?

The SPEAKER pro tempore. A committee member other than the chairman must have specific authorization

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H3481

of the committee to call up a bill on Calendar Wednesday.

□ 1010

Mr. SESSIONS. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SESSIONS. Is the chairman of the committee the only person that is in order to call up a bill during the call of the committees on Calendar Wednesday?

The SPEAKER pro tempore. Calendar Wednesday business may only be called up on formal authorization by the reporting committee. Clause 2(b) of rule XIII is sufficient authority for the chairman of a committee to call up a bill on Calendar Wednesday.

#### INTRODUCTION OF THE REVEREND RON JACKSON, GUEST CHAPLAIN

(Mr. SPRATT asked and was given permission to address the House for 1 minute.)

Mr. SPRATT. Madam Speaker, today's opening prayer was given by the Reverend Ronald B. Jackson. Reverend Jackson serves as the minister of East Gaffney Baptist Church in Gaffney, South Carolina, a pulpit that he has filled with distinction since 1989.

Reverend Jackson's ministry is based in East Gaffney Baptist Church, but not confined there. He has a television ministry in Greenville and a radio ministry in Gaffney. He is a prominent preacher, for sure, but he is also a pastor who has been recognized for service throughout the Southeast. He has established, for example, a foundation to help needy ministers and their families called the Parsons' Pantry Fund.

Three years ago, Governor Sanford awarded him the Order of the Silver Crescent, our State's highest award for volunteer service.

Reverend Jackson has spread the gospel from the Second Baptist Church of Great Falls, South Carolina, where he was called to the pulpit, to Bethel Baptist Church in Charleston, South Carolina, and even to Bourbon Street in New Orleans, where he was assistant chaplain, before coming home to South Carolina and eventually settling in Gaffney.

Reverend Jackson is married to Karen A. Jackson. They have two children, Kimberly McMillin of Inman and Bryan Jackson of Gaffney; and three grandchildren. Karen also has a son, Brock Burgess, of Gaffney.

On behalf of the House, I want to thank Rev. Jackson for his inspiring prayer and the Speaker and Rev. Coughlin for asking him to open today's session.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 one-minute requests from each side.

#### THE IRAQ WAR

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, 4 years ago, the United States invaded Iraq, ostensibly to eliminate weapons of mass destruction. When no such weapons were found, instead of declaring victory and bringing the troops home, the administration in its arrogance decided to dismantle the major institutions of Iraqi society and settle into a long-term occupation in order to remake Iraq in our own image.

The dismantling of Iraqi institutions, the army, the Baath party, et cetera, led to the breakdown of the delicate balances in Iraqi society and the emergence of civil war between Sunnis and Shiites. The continuing occupation led, as occupations do, to the development of a nationalist insurgency.

Now we have Sunni, Shiites and the insurgents shooting at each other and all shooting at American troops. This will go on as long as the occupation continues. The only way out is for Congress to mandate a timetable for a phased withdrawal of our troops.

Only such a mandate can get the Iraqi Government to step up to the plate. As Defense Secretary Gates said yesterday, the strong feelings expressed in the Congress about the timetable probably has had a positive impact in terms of communicating to the Iraqis that this is not an open-ended commitment. Only a mandated timetable for withdrawal will end the endless occupation and end the endless bloodshed of young Americans.

#### USING PATIENT CARE MANAGEMENT TO IMPROVE HEALTH CARE

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, eighty percent of health care dollars are spent treating chronic illnesses. These are complex cases where patients have multiple doctors, treatments, medications and tests. Errors can result from confusion and miscommunication, but case management can be effective in reducing these errors.

However, Medicare and Medicaid do not reimburse for patient care management. Unnecessary hospitalizations increased from about 1 percent for a patient with just one condition to 27 percent for a person with eight chronic conditions.

The Federal Government will pay billions to treat chronic illness that could have been prevented. The University of Pittsburgh Medical Center found that care management can reduce re-hospitalizations of diabetics by 75 percent. Another study reduced hospitalizations of patients with heart disease by 50

percent. We cannot continue to finance a broken health care system and expect different results.

We need to transform our health care system to make sure that we focus on patient safety, patient quality and patient choice. I urge my colleagues to learn more about patient management care programs by visiting my Web site at [murphy.house.gov](http://murphy.house.gov).

#### DEALING WITH VIOLENCE IN AMERICA

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, environmental awareness has created an awareness of the urgency of collective action to save our planet. We need a similar commitment to dealing with violence in America. Would that the tragic events in Blacksburg, Virginia, which took 33 lives, be an isolated example of the effects of gun violence in America.

In fact, about 32 people perish each and every day in America in handgun-related incidents. The level of violence in our society constitutes a national emergency. I am offering the following approach to change America's direction, away from death and disintegration and towards life and social cohesiveness. First, passage of legislation to create a Cabinet level Department of Peace and Nonviolence, H.R. 808; second, passage of H.R. 676 to create Medicare for all, not-for-profit health care system focusing on mental health care issues; and, third, a ban on handguns, legislation which I am currently drafting.

America is being engulfed in violence every day. Let's show that we have the wisdom and the courage to come from our hearts to meet this challenge.

#### GO GATORS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, as we continue to mourn the recent tragedy at Virginia Tech, we are reminded once again how fragile life is. Notwithstanding this tragedy, I would like to take a short moment to acknowledge the accomplishments of the University of Florida, which I represent in Gainesville, for repeating as men's national basketball champions.

This historic championship makes the Gators the first team since 1991-1992 to win back-to-back national titles and become only the seventh school ever to repeat as champions. With the Gators' 84-75 victory over the Ohio State Buckeyes, Florida remains the only school in the NCAA history to hold both the men's basketball and football championship titles in the same year.

The Florida Gators are excellent representatives of both the university and

the great State of Florida in their focused persistence and unassailable desire to succeed. My colleagues, I take great pride in representing the University of Florida and congratulate Coach Billy Donovan and the entire university on this great accomplishment.

#### THE NEW DEMOCRATIC CONGRESS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, over the past 3 months, the new Democratic Congress has reached across the aisle to work with Republicans on legislation that is going to produce positive results for the American people. We vowed to run this House differently than the Republicans, and since day one, we have lived up to that promise.

During our first 100 hours, we passed legislation increasing the minimum wage, reducing the cost of prescription drugs, making college more affordable, securing our Nation by implementing the 9/11 recommendations and ending subsidies for big oil companies.

Since that time, we passed legislation that changes the direction of the war in Iraq, but also fully funding our troops and supporting our veterans. At the end of last month, we also passed a budget resolution that balances our budget within 5 years, something that the Bush administration and his budgets have not been able to do.

Not only is our budget fiscally responsible, it also increases the funding for children's health care, for education and for veterans health care, all without raising taxes. Yes, we are going in a new direction.

#### IMMIGRATION

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, most of us just returned from 2 weeks talking with constituents. In the Third District of Texas, folks only had one thing on their mind, illegal immigration.

They were hopping mad that illegal immigrants come into this country at all. They told me any proposal that would grant automatic American citizenship to illegal immigrants would be blanket amnesty, and they're right.

People have waited years to become American citizens through the legal proper channels. Granting blanket amnesty to untold millions of illegal immigrants undercuts the merits of creating a legal citizenship program. Just like in the 1980s, if we grant amnesty now, many more illegal immigrants will simply flock into our country and demand their day for amnesty. America must be a Nation that respects the rule of law and enforces it.

□ 1020

#### TIME FOR NEW DIRECTION IN IRAQ

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, during the President's weekly radio address, he accused the Democrats of spending 68 days pushing legislation that would undercut our troops.

During his tour of the Middle East yesterday, Defense Secretary Robert Gates said, "The debate in Congress has been helpful in demonstrating to the Iraqis that American patience is limited." He goes on to say, it has a positive impact "communicating to the Iraqis that this is not an open-ended commitment."

So who's right? Either the Secretary of the Defense, who is calling for the Iraqis to take ownership of their country, or the President, who is playing politics here at home? The Congress has provided the President the one thing he has refused to develop after 4 years of war: a policy to get the Iraqis off the sidelines and onto the field.

So after years of chaos and bloodshed, when the administration asks for more troops and more time and more of the same, we are calling for accountability of the Iraqis and a responsible redeployment of U.S. troops. Our troops are bearing all of the responsibility for the President's policy, and the Iraqis have no accountability.

Secretary Gates, thank you for your honest assessment of what it takes to bring a new direction to Iraq.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ANDREWS). The Chair reminds Members to direct their remarks to the Chair and not to others, as in the second person.

#### YVETTE CADE—VICTOR NOT VICTIM

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, in 2005, Yvette Cade walked into the Maryland courtroom of District Judge Richard Palumbo to extend the restraining order she had on her estranged husband. She was tired of the abuse. She wanted "an immediate and absolute divorce."

Judge Palumbo, however, refused to grant the victim's request, made snide remarks and dismissed the assault case, including the protective order. Two weeks later, Yvette Cade's estranged husband walked into her place of business, doused her with gasoline, struck a match and set her on fire.

Miraculously, Yvette Cade survived this brutal attack. She received third-degree burns over 60 percent of her

body, yet she refused to let her physical injuries silence her voice. She became an outspoken advocate against domestic violence, urging women in abusive relationships to leave. She has appeared on "Nancy Grace" and "Oprah."

During this National Crime Victims' Rights Week, we honor remarkable people like Yvette Cade who speak out for victims. Tonight, the Congressional Victims' Rights Caucus will award Yvette Cade the Unsung Hero Award for triumphing over her personal tragedy to become a victor rather than a victim.

And that's just the way it is.

#### FINDING A BETTER WAY IN AMERICA

(Mr. KAGEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAGEN. Mr. Speaker, I rise today to ask all of us what kind of Nation are we when we neglect the needs of our senior citizens.

In the past 2 weeks, I have received over 15,000 cards from voters in Wisconsin, just like this one from Elaine in Peshtigo which reads: "I am soon an 80-year-old woman and a widow. My husband and I farmed, and we certainly had hard times the first years. But the years now are harder for old people. Oil companies take a huge profit. The CEOs make a salary no man on Earth is worth. The pill companies are taking huge profits with no consideration for our old people. The people of my generation lived through the Depression, World War II and two more wars, and now, in our old age, we face other obstacles."

My friends, there is a better way of doing things in America, and by working together, we will find it with no patient left behind.

#### BALANCE BUDGET BY CONTROLLING SPENDING

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, the battle of ideas is alive and well here in the House of Representatives where we have two different parties with two different philosophies; and nowhere is that more clear than in the budget debate that is occurring today.

In the budget that passed the House before the Easter recess, the majority passed the largest tax increase in American history. I just held 34 town hall meetings in my First Congressional District of Wisconsin, and my constituents are telling me they don't want to see the per-child tax credit get cut in half. They don't want to see the marriage penalty come back. They don't want to see income tax rates raised across the board. They don't want to see the death tax come back in full force.

The tax cuts that passed in 2001 and 2003 created 7.6 million new jobs. We don't need tax increases; but, unfortunately, the budget that the majority passed here does just that. It gets rid of all of that tax relief that created all of these jobs, and it gives the American people the largest tax increase in American history. I think it is wrong.

We on this side of the aisle, the minority, we believe in a different path: Balance the budget by controlling spending and keep taxes low. That's the way to go, Mr. Speaker.

#### AMERICAN PEOPLE CALL FOR CHANGE

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALTMIRE. Mr. Speaker, Democrats in Congress have heard the call for change delivered by the American people last November. In just 3 months, we restored the necessary oversight of the administration and reformed the ethics rules of the House to lessen the influence of lobbyists and add transparency to the legislative process.

We answered the call for change in direction in Iraq and kept our promise to our Nation's veterans by voting to increase VA health care funding by \$11 billion.

We passed meaningful legislation that will help middle class families, lowering the cost of student loans and prescription drugs.

And although we won't be able to dig ourselves out overnight from the mountains of debt Congress and the administration built up over the past 6 years, the new Democratic Congress passed a budget that achieves balance in 5 years without raising a penny of taxes.

In short, Mr. Speaker, we have listened to the American people and changed the way Congress does business.

#### MINNESOTANS SAY: STOP RAISING TAXES

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Mr. Speaker, last Saturday, 7,000 Minnesotans stood on the steps of the St. Paul capitol in our State for the purpose of standing for freedom. It was a beautiful, sunny, ebullient Saturday morning, and 7,000 hardworking Minnesotans took their time away from their families and away from their work to stand on the steps of our State capitol to say: Enough is enough, stop raising my taxes.

The last vote I took in this body prior to our recess had the Democrats calling for the largest tax increase in American history and the largest spending increase in American history.

The people in Minnesota, Mr. Speaker, asked me to come back to this body

to fight for their freedom and to fight for the ability to hold on to more of their hardworking income, and that is exactly what we intend to do.

#### SUPPORT STEM CELL RESEARCH

(Mr. SIRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIRES. Mr. Speaker, last week the Senate followed our lead and passed legislation to advance potential life-saving stem cell research. The legislation now heads to the President's desk where he has already threatened a veto.

I hope the President will finally listen to an overwhelming majority of the American people, a bipartisan Congress and scientists who say this research can save millions of lives.

As the American Association for the Advancement of Science has argued: We owe it to those with serious illnesses to vigorously pursue both adult stem cell research and embryonic stem cell research.

This is not a partisan issue. In fact, many in the President's own party recognize the potential that exists if scientists are allowed to expand their research.

Mr. Speaker, over the last 7 years, the President has only vetoed one bill, and that was a similar stem cell research bill that passed the Republican Congress last year. The President should seriously reconsider his veto threat so we can begin life-saving research.

#### TAX CUTS CANNOT BE ALLOWED TO EXPIRE

(Ms. GRANGER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GRANGER. Mr. Speaker, if Washington Democrats get their way, millions of Americans will see their taxes go up by billions of dollars. In a Gallup Poll released earlier this week, 53 percent of the American people said their Federal income taxes were too high, yet the Democrat leadership has decided to move forward with the highest tax increase in American history.

In an editorial by the Wall Street Journal, they said, "A tax increase of that magnitude could well lead to a recession and a plunge in receipts."

Take these examples as evidence that letting the Republican tax cuts expire would only wreak havoc on millions of American checkbooks. Over 115 million taxpayers would see a \$1,716 increase in their tax bill in 2011. For 84 million women, it would be an increase of over \$1,900. And for 42 million families with children, an increase of over \$2,000 would become a scary reality.

Chasing increased spending with higher taxes is not the path of fiscal responsibility and will not lead to further economic prosperity. These tax

cuts should not and cannot be allowed to expire.

□ 1030

#### DEFUSING THE WILL OF THE AMERICAN PEOPLE

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the President is going to talk to the congressional leaders about Iraq. It is his way of trying to defuse the will of the American people. He is going to talk about his vision for a military victory in Iraq. He is going to talk about his military escalation and how well it is working.

He is not going to talk about the bombing in the Green Zone last week, or the fact that about 3 hours ago there were 127 Iraqis killed by a suicide bomber. And it is only early morning. There is plenty of time left in this day.

The President will say there are good days and there are bad days. In truth, there are only bad days, and worse days in Iraq.

The only thing worth talking about is protecting our soldiers by getting them out of the Iraq quagmire. That is the only discussion worth having, because setting a timetable is the only way to protect and defend the U.S. soldiers he keeps sending into harm's way.

Don't give him an inch, Mr. Speaker. Bring our troops home.

#### THE TAX CREDIT GAP

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, American families are leaving billions of dollars on the table each year by not claiming tax credits that help families pay for child care, to send their children to college, save for retirement, or work their way into the middle class.

Taxpayers claimed nearly \$83 billion in tax credits in 2004. But families missed out on over \$10 billion in unclaimed tax credits, according to a new estimate from the Joint Economic Committee. You can find this report on my Web site at maloney.house.gov.

The IRS can help close this tax credit gap by reporting on the characteristics of households not taking advantage of these credits. This will help us conduct better outreach to families who are missing out on credits that reward their hard work and help them get ahead.

#### BRING THE TROOPS HOME

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, during the break, I was home in my district in

Memphis, Tennessee, and I spoke to 40 soldiers who had been to the Middle East. They were being honored. I asked many of them if they wanted to return. Most, nearly all, said, "No. Why are we there and what are we accomplishing?"

I asked groups about their thoughts, and almost to a one, they said, "Bring the troops home; don't stay the course."

Mr. Speaker, I would submit to the President that he went to war under Donald Rumsfeld's opinion that you fight the war with the troops you have got.

Mr. Speaker, I would suggest that the President should support the troops with the bill that the Congress sends him. We have sent him a bill that supports the troops, supports the veterans and, yet, brings our troops home. We must end this foolishness in Iraq, the loss of American lives and the spending of our tax dollars in a country where we are not wanted.

#### HONORING SLAIN UTICA POLICE OFFICER THOMAS LINDSEY

(Mr. ARCURI asked and was given permission to address the House for 1 minute.)

Mr. ARCURI. Mr. Speaker, on Thursday, April 12, 32-year-old Utica police officer Thomas Lindsey was shot and killed in the line of duty during a routine traffic stop in Utica, New York, my hometown.

A 5½-year veteran of the Utica police force, Tom served for more than a year with an elite squad tasked with handling special assignments. Tom was the kind of guy that, as a teenager, he traveled to Mexico one summer just to build churches. And prior to his tenure as a Utica police officer, he served our Nation honorably as a U.S. Marine as an embassy guard.

As a former district attorney, I had the distinct privilege of working hand in hand with the dedicated men and women of the Utica Police Department. This loss affects those brave men and women and their families hardest of all.

Tom put his life on the line in the Marines and as a police officer, and he paid the ultimate sacrifice to protect his country and the community. Losing someone like Tom is a great tragedy, but in this tragedy there is a lesson. We must learn from the way Tom lived his life and his commitment to public service, his community and his country.

My prayers are with Tom's mother, Carmella Lindsey-Schisler, his girlfriend, Lisa, and his family and co-workers.

I hope everyone can take a moment today to thank the men and the women in their local police departments who serve them so well.

#### ORWELLIAN DEMOCRACY

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, Orwellian democracy is alive and well here in Washington. Our friends on the other side seem to think that if they just say something, it is true.

Talk about the budget. We have heard this morning that they are going to balance the budget without raising taxes. Funny thing is, the budget that they passed will do this: Between 2010 and 2011 their budget will raise taxes on ordinary income from 35 to 39.6, capital gains from 15 percent to 20 percent, dividends from 15 percent to 39.6 percent, estate tax, 0 percent to 55 percent. Child tax credit goes from \$1,000 to \$500, and the lowest tax bracket goes from 10 percent to 15 percent. \$400 billion in new taxes.

Mr. Speaker, they may be saying one thing, but they are doing completely the opposite. They may be able to fool themselves, but they won't fool the American people.

#### HONORING THE SACRIFICE OF LIVIU LIBRESCU

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, I rise to thank God for Mr. Liviu Librescu.

Monday was Holocaust Remembrance Day, Mr. Speaker. Mr. Liviu Librescu was a teacher for 20 years at Virginia Tech. He was a husband and a father, 76 years of age, and a Holocaust survivor.

On Monday, on Holocaust Remembrance Day, he blocked the doorway to a classroom to protect the students in that classroom from almost certain death. And in so doing, he sacrificed his life. He survived the Holocaust and made the ultimate sacrifice. He gave his life so that others could live. Thank God for him.

May God bless his family and all of those who have suffered at Virginia Tech.

#### DEMOCRATS TAKE IRAQ IN A NEW DIRECTION WHILE PRESIDENT BUSH THREATENS TO VETO NEW COURSE

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, the new Democratic Congress has made good on its promise to change the direction of the war in Iraq while providing critical funding for our veterans and our wounded soldiers. Yet, the President is still threatening to veto a final conference report when it comes out of this Congress.

Why would the President veto a bill that requires Iraqis to take control of their country by meeting key security, political and economic benchmarks the President himself established?

Why would he veto a bill that provides greater protections for our troops

and our veterans than what was originally requested by the President?

The supplemental provides 1.7 billion more for military health care, which includes facility upgrades at Walter Reed and other hospitals that require renovation. We also provide an additional \$1.7 billion for veterans health care to ensure that they have access to quality care. The veterans I have met with from New Jersey have told me that this is one of their top priorities.

I have been opposed to the preemptive war in Iraq from the beginning because the administration has failed to explore diplomatic solutions. And therefore the stay-the-course strategy is wrong. And I hope that the President will sign and not veto this bill.

#### PRESIDENT BUSH SHOULD LISTEN TO SECRETARY OF DEFENSE GATES WHO SAYS CONGRESS' TIMELINES ARE USEFUL

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, as the President prepares to meet with congressional leaders today to discuss the emergency supplemental, he should listen to his own Secretary of Defense, who said that Congress' timelines have been useful in forcing the Iraqi Government to make compromises that have been elusive in the past.

While traveling in the Middle East, Defense Secretary Gates said yesterday, and I am quoting, "The debate in Congress has been helpful in demonstrating to the Iraqis that American patience is limited. The strong feelings expressed in the Congress about the timetable probably have had a positive impact in terms of communicating to the Iraqis that this is not an open-ended commitment."

And that is what Democratic Members of this House have been saying for weeks. It is time to hold the Iraqi Government accountable and pressure them to meet the President's own guidelines.

If President Bush refuses to listen to this Democratic Congress and leaders that he is meeting with today, it would be nice if he would at least listen to his Defense Secretary, who is saying that our efforts to change the direction of the war in Iraq are having a positive effect.

□ 1040

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

OFFERING HEARTFELT CONDO-  
LENCES TO THE VICTIMS AND  
THEIR FAMILIES REGARDING  
THE HORRIFIC VIOLENCE AT  
VIRGINIA TECH AND TO STU-  
DENTS, FACULTY, ADMINISTRA-  
TION AND STAFF AND THEIR  
FAMILIES WHO HAVE BEEN AF-  
FECTED

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 306) offering heartfelt condolences to the victims and their families regarding the horrific violence at Virginia Tech in Blacksburg, Virginia, and to the students, faculty, administration and staff and their families who have been deeply affected by the tragic events that occurred there.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 306

*Resolved*, That the House of Representatives—

(1) offers its heartfelt condolences to the victims and their families regarding the horrific violence at Virginia Tech in Blacksburg, Virginia, and to the students, faculty, administration and staff and their families who have been deeply affected by the tragic events that occurred there;

(2) expresses its hope that losses from the mass shooting will lead to a shared national commitment to take steps that will help our communities prevent such tragedies from occurring in the future; and

(3) recognizes that Virginia Tech has served as an exemplary institution of teaching, learning, and research for well over a century, and that the University's historic and proud traditions will carry on.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. McKEON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 306 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SCOTT of Virginia asked and was given permission to revise and extend his remarks.)

Mr. SCOTT of Virginia. Mr. Speaker, I rise this morning to offer my deepest sympathies to the victims and their families who suffered the horrific shooting tragedy at Virginia Tech on Monday morning. My thoughts and prayers go out to them, the students, faculty and staff of the university.

Virginia Tech is one of the largest schools in Virginia, providing higher education to more than 28,000 students. The effects of this tragedy can be felt all across the Commonwealth of Vir-

ginia, in the Halls of Congress and in every corner of this Nation. I represent hundreds of Virginia Tech families, perhaps thousands of alumni, and members of my staff have friends and family who currently attend Virginia Tech.

Schools are meant to be sanctuaries of learning and, most importantly, sanctuaries of safety. Parents who send their children off to college with all the potential that a college education represents should be content that their children will be safe.

As we mourn with the Virginia Tech community, this Congress must explore every possible avenue towards determining what can be done to prevent this kind of tragedy in the future, whether in high schools or college campuses or on business premises or other places where people may congregate. Yet we must be realistic. From what we are hearing regarding this tragic incident, it is not clear that any law would have been effective in deterring the kind of senseless acts that occurred. Anyone willing to indiscriminately shoot down innocent people and then kill themselves afterwards would not likely be deterred by any law. Nonetheless, we must work with our colleges and universities in developing ways to anticipate, identify and prevent any such threats that we can. Some evidence is emerging that indicates that there may have been signs of mental disturbances in the alleged shooter, and this may suggest information which could lead to things to look at to avoid these tragedies in the future.

But, Mr. Speaker, today we stand together to wish a speedy recovery for the injured and to mourn with the families of the victims who died in this horrific tragedy. Virginia Tech is and will remain one of the Commonwealth of Virginia's finest institutions of higher learning, and its proud traditions will carry on beyond this darkest hour. This event will be with the students, faculty and staff of Virginia Tech for the rest of their lives, but we must not let tragedies like this stop people from living their dreams. I hope that some day all members of the Virginia Tech community will be able to celebrate life and learning on the campus again.

Finally, Mr. Speaker, I would like to introduce into the RECORD the powerful statement presented at the service yesterday at Virginia Tech by Nikki Giovanni. That service was attended by nine of the eleven members of the Virginia delegation to Congress and both of our U.S. Senators. So I will insert that statement into the RECORD.

We are Virginia Tech.

We are sad today, and we will be sad for quite a while. We are not moving on, we are embracing our mourning.

We are Virginia Tech.

We are strong enough to stand tall tearlessly, we are brave enough to bend to cry, and we are sad enough to know that we must laugh again.

We are Virginia Tech.

We do not understand this tragedy. We know we did nothing to deserve it, but nei-

ther does a child in Africa dying of AIDS, neither do the invisible children walking the night away to avoid being captured by the rogue army, neither does the baby elephant watching his community being devastated for ivory, neither does the Mexican child looking for fresh water, neither does the Appalachian infant killed in the middle of the night in his crib in the home his father built with his own hands being run over by a boulder because the land was destabilized. No one deserves a tragedy.

We are Virginia Tech.

The Hokie Nation embraces our own and reaches out with open heart and hands to those who offer their hearts and minds. We are strong, and brave, and innocent, and unafraid. We are better than we think and not quite what we want to be. We are alive to the imaginations and the possibilities. We will continue to invent the future through our blood and tears and through all our sadness.

We are the Hokies.

We will prevail.

We will prevail.

We will prevail.

We are Virginia Tech.

Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, the headline atop the front page of yesterday's edition of the Virginia Tech student newspaper captured what all of us are feeling right now: "Heartache." On behalf of my colleagues on the Education and Labor Committee, my staff, my family, and my constituents, I extend my deepest sympathy and offer my prayers to Virginia Tech students, staff, administration and families.

Our institutions of higher education are places where students begin to embrace adulthood, where they begin to relish a new found freedom and indeed where they begin to realize their dreams. For that to be cut short for these young men and women by such a senseless act is beyond anyone's comprehension. So all we can do is mourn, comfort one another and pray that the Virginia Tech community and our Nation may begin to heal in the aftermath of this unspeakable tragedy.

The collective feeling inside of this building over the last few days is much like the feeling we experienced on September 11 and the days that followed when we cast aside our differences and united to stand with the victims, their families and their communities. Today, just as back then, it is a time not for politics or a time to take advantage of such a horrific turn of events to push a partisan agenda. And similarly today, just as back then, it is not a time to misdirect any blame toward anyone other than the perpetrator of this massacre. In this case, as we currently understand it, this blame belongs squarely to a single gunman who acted selfishly, brutally and without regard for human life.

Mr. Speaker, I also believe that we owe sincere and heartfelt gratitude to Virginia Tech's administration, law enforcement officers, faculty and students for the way they have handled these last 3 days. Simply put, no one

could have imagined this series of crimes that has risen to the level of the deadliest in U.S. history. These men and women have done their very best to respond to it. And as we witnessed at the convocation a day ago in Blacksburg, they are doing so with a deep respect and love for the campus they call home.

May that spirit carry them through the difficult weeks, months and years ahead. And may we learn from their example as we tackle the challenges that we face as a Nation in the aftermath of this great tragedy.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to my colleague from Virginia (Mr. BOUCHER), the representative of the Ninth Congressional District, the home of Virginia Tech.

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, I want to thank the gentleman from Virginia (Mr. SCOTT) for yielding this time, and I thank him for his remarks and also express that same appreciation to the gentleman from California for the eloquent remarks that he just rendered on the floor. It is with a heavy heart that I offer these comments today.

The tragedy on Monday of this week was of a scale and a senselessness that defies explanation. And it came to a university campus that is known across our Nation for its friendliness, its peacefulness, and the close association among the faculty and the students.

Yesterday afternoon a campus-wide convocation demonstrated to the world that Virginia Tech's unity and sense of purpose will be maintained and strengthened. The convocation was attended by President Bush; by Virginia's Governor, Tim Kaine; and by the members of Virginia's congressional delegation, both House and Senate. And I want to express my appreciation to the Members of the House who traveled yesterday to Blacksburg to show support for the Virginia Tech community and to comfort those who have lost loved ones.

I also want to take the opportunity in these remarks to offer some personal thoughts. To Virginia Tech President Charles Steger and the professional staff of the university, thank you for the poise, the dignity and the strength that you have demonstrated under the most difficult and challenging of circumstances.

□ 1050

To the skilled first responders of Blacksburg and Montgomery County, thank you for your dedication and for your outstanding service on Monday that saved lives and prevented our loss from being even greater.

To the families and the friends of the victims, profound sympathy for your loss of young lives full of promise and mature lives of major contribution.

The resolution before the House this morning is sponsored by all of the Members of the House delegation from Virginia. Through the resolution, Congress offers its heartfelt condolences to all who have suffered loss, and it recognizes that Virginia Tech has served as an exemplary institution of teaching, of learning and of research, and that the university's proud traditions will continue.

Today, we mourn an enormous loss from a violent and senseless act. Tomorrow and in the months to come, the resilience of southwest Virginians and the spirit of our region that has helped to make Virginia Tech a great institution will assure that that university has an even stronger future. To that end, we in the House today pledge our support.

Mr. Speaker, I urge approval of the resolution.

Mr. McKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, having returned from a heart-wrenching trip to Virginia Tech yesterday, it is hard to stand here and find words to express the pain and sorrow that has befallen that community. As a parent of a student approaching college age, there is absolutely nothing more upsetting than seeing young people cut down in the prime of their lives.

I will never forget, Mr. Speaker, the raw emotions that filled that convocation arena yesterday as I, along with my colleagues from Virginia, mourned with some 12,000 friends and family members of victims, half of whom at least were clad in Hokie maroon and orange. Nor will I forget the sight of a bereaved father who, overwhelmed with grief, simply collapsed.

When an act of random cruelty bewilders us and pulls us down, the sort of love, generosity, courage and heroism we have seen in Blacksburg and its response serves as a counterforce. It replenishes us and demonstrates, as the Bible says, that "love is strong as death."

We Virginians are resilient people, and I already know that under the strong leadership of President Charlie Steger, our brothers and sisters at Virginia Tech will band together and make it through this tragedy.

Mr. Speaker, in response to a moving plea from Virginia Tech's resident poet toward the end of the convocation ceremony, the crowd there erupted into cheers of "Let's go Hokies." It was a moving call to action. Let the healing begin.

Once again, Mr. Speaker, I stand here with a heavy heart, and extend my deepest sympathies, especially to the families of those students who lost their lives.

Mr. SCOTT of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, on April 16, 2007, the news from Virginia Tech and

Blacksburg grew worse as the day progressed, and as evening fell the number of students and faculty killed reached 33. Included in that number was the apparent assassin, a fellow student who came to this country from South Korea at an early age. The death toll of 33 makes the tragedy at Virginia Tech one of the deadliest at educational institutions in the history of the United States.

Words cannot express the sorrow and hurt that the families of the victims are experiencing. We cannot bring these mostly young men and women back to the classroom, to the sidewalks of Blacksburg or to their families and loved ones. But we can always remember and know that their spirit, energy and enthusiasm in making Virginia Tech one of the finest institutions of higher education in the world will never die and will live in our memories forever.

At yesterday's convocation at Cassell Auditorium in the heart of the Virginia Tech campus, those gathered heard President Bush, heard the Governor of Virginia, heard ministers of various religions around the globe, and heard leaders of the Tech community. In a spontaneous happening towards the end of the program, one gentleman stood forth and led in the Lord's Prayer as it was prayed in unison by thousands of students, families, government leaders and others in the Virginia Tech community.

May God bless the families of the deceased, the students at the institution, Virginia Tech, and our country in this time of sorrow.

Mr. SCOTT of Virginia. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Speaker of the House.

Ms. PELOSI. Mr. Speaker, it is with deep sadness that Congress today recognizes the tragedy that indeed struck our country when it befell the community of Virginia Tech on Monday. We offer our condolences to the many who now grieve. I want to particularly extend my condolences to our colleagues here for the sorrow that has taken place in their State.

But the sorrow of parents who lost their children, students who lost their friends, and a community which lost 33 of its own is beyond any comfort we can give in words. Words are totally inadequate. In the days that follow, the mourning and questioning that has already begun will continue. And as it does, the thoughts and prayers of this Congress and, indeed, this Nation, will remain with the students of Virginia Tech and their families.

Among the victims there was a student resident adviser known affectionately as "Stack," a young woman whose love for horses led her to study veterinary science; one of the world's great researchers on cerebral palsy; and a Holocaust survivor who became an expert on aeronautics.

These victims, of different backgrounds and different ages, are united



in their love of one of America's great learning institutions, Virginia Tech. And today and in the days to come, as we grieve their loss, we are all Hokies.

When Robert Kennedy announced to the people of Indianapolis the news of the assassination of Rev. Martin Luther King, he offered comfort with the words of an ancient Greek playwright, Aeschylus, when he said, "Today, when no words can describe our sadness, or heal our grief, these words again give our Nation hope. In our sleep, pain which cannot forget falls drop by drop upon the heart until, in our own despair, against our will, comes wisdom through the awful grace of God."

Today, on behalf of the students, faculty, staff and families of Virginia Tech, we pray for that wisdom.

I hope that it is a comfort to all who are grieving today that so many people in our country, indeed, in the world, mourn their loss and are praying for them at this sad time.

Mr. McKEON. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, it is with great sadness that I address this Chamber today. As the parent of four children in college, I share the horror and the rage, the grief and the sorrow of the larger Virginia community.

I rise today to urge my colleagues to support this resolution expressing our sorrow and offering condolences over the tragic events that took place Monday at Virginia Tech. Our hearts, our prayers and our thoughts go out to the families of those who lost lives, the injured and their families, and all those affected by this terrible tragedy, including the family of the troubled young man who perpetrated this crime.

□ 1100

The coming together of communities, the reaching over the fences to lend a hand of support at this hour of need has been touching. From the Washington Nationals wearing Virginia Tech caps last night, to the community groups that gathered spontaneously across the Commonwealth to share their sorrow, the picture of the Commonwealth today is one we can, as usual, take great pride in. Yesterday I traveled with my colleagues to Blacksburg for the convocation, and last evening over 500 Korean Americans assembled at the Fairfax County Government Center to express their outrage, to offer their prayers, to start the healing process that follows such tragic events.

Mr. Speaker, we Virginians are known for looking out for each other and this has been no different. The outpouring of love, sympathy and caring for each other has been astonishing. The pictures of students comforting each other, of students and teachers helping each other search for answers in these dark hours has been particularly moving. All of us around the Commonwealth must come together to

find the strength to move forward. We're family. We've been deeply wounded. That's what families do when they're hurt. They look to each other for strength, for inspiration and for meaning. Mr. Speaker, we hurt for the victims and we honor their lives. That's what families do. We close ranks and lend each other support in our darkest hours. Benjamin Franklin said more than 200 years ago that those things that hurt instruct. Let us learn from this. Let us hurt. It's good for the soul. It helps us to heal. It is, sadly, the only way to move forward.

Again, I urge my colleagues to support the resolution.

Mr. SCOTT of Virginia. Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER), the majority leader, 1 minute.

Mr. HOYER. Mr. Speaker, I join all 434 of my colleagues in rising to express our sorrow, our regret, our sympathy, yes, and in some respects our outrage that this calamity has been visited on so many of our promising and wonderful young people.

Mr. Speaker, as a grieving Nation tries to comprehend the senseless, horrific violence on the campus of Virginia Tech University on Monday, the full scope of this tragedy is only now beginning to come to light. Thirty-two innocent people, 32 young people of promise, some people not so young who were at great risk and survived, 32 people were stolen from their families and friends at the hand of a deeply disturbed young man who ended the carnage by taking his own life. More than two dozen others were injured during this random, murderous rampage.

Today, a profoundly saddened Nation recognizes that these were not mere strangers, although we may not have known the victims personally. They were members of our national family and in so many ways they were a reflection of us. They were hope for the future. They were brothers, sisters, mothers and fathers who were so full of life, hope and promise for a better future, for themselves, their families, their country and indeed the world.

Those slain included a 20-year-old political science major from Dumont, New Jersey, who attended Virginia Tech on an Air Force scholarship; an 18-year-old freshman from Centreville, Virginia who distinguished herself in drama and on Virginia Tech's dance team; a 22-year-old senior from Martinez, Georgia who was majoring in psychology, biology and English and who served as a role model for many; a 76-year-old engineering professor and Holocaust survivor who survived one of the worst terrorists and despots the world has ever seen, Adolf Hitler, to come home and to teach young people, to make them better able to meet the future and to have that ability robbed from him by a senseless act. And so many others, Mr. Speaker.

We may never know the answer to the question "Why?" Why have so many loving, promising people been

taken through such senseless violence? However, let us mourn their loss and extend our heartfelt condolences and sympathy to their families and to their friends and to their fellow students.

Today, our thoughts and prayers are also with those who have been injured as well as Virginia Tech's students, faculty and staff, alumni and the entire campus community as they endeavor to cope with this monumental tragedy. Let us remind them they are not alone. Not only are they in our hearts but they will be in our prayers. I thank the gentleman from Virginia for giving me this time to join him and the Virginia delegation in recognizing the tragedy and reflecting our remembrance of those who have been hurt, those who have lost their lives, and those whom they left behind.

Mr. McKEON. Mr. Speaker, may I inquire as to the amount of time left.

The SPEAKER pro tempore. The gentleman from California has 11 minutes. The gentleman from Virginia has 12 minutes.

Mr. McKEON. Mr. Speaker, at this time I am happy to yield 4 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman. I thank the majority leader and the Speaker and the other Members of our delegation for their comments.

The tranquil campus of Virginia Tech and the town of Blacksburg has been shattered by the actions of a lone gunman. The horror that the Virginia Tech community has experienced this week is something that every parent, every American hopes they never have to learn has affected their families and friends.

I have a great appreciation for Virginia Tech, one of America's preeminent research institutions, having advanced from one of the original land grant universities. Thousands of people in my district which neighbors Blacksburg have gone to school there, have sent their children there, and are members of Hokie Nation. During my time in this body, I have had graduates and students of Virginia Tech work and intern for me. For years I have known what a special place it is, with its affiliated campuses and offices spread throughout the Sixth District and across the great Commonwealth of Virginia. Yet it is with great sadness that the rest of the world has come to know the compassion of Virginia Tech only through this tragedy. Although this horrendous and unspeakable violence showed the worst of mankind, it also showed what those of us who have been a part of the Tech community for years have always known—the students, the instructors, the administrators, and the citizens of Blacksburg care deeply for one another and take great pride in their community. Even in the worst circumstances, the Virginia Tech community showed great compassion for their fellow man and did what they could to help each other. Liviu



Librescu, a survivor of the Holocaust, blocked the doorway of his classroom so that his students could climb out the windows to safety. Ryan Clark, a resident adviser in the West Ambler Johnston Hall, rushed into the hallway to help his fellow students when the first attack came and became the second victim. And I was deeply saddened to learn that one of my constituents, Henry Lee, a graduate of William Fleming High School in Roanoke, was among those who died in the attack on Norris Hall. Two other of my constituents from Harrisonburg, Virginia, Heidi Miller, an undergraduate, and Guillermo Colman, a graduate student, were wounded and thankfully are okay. Now, following this brutal action, throughout the campus and community, students are relying on each other to cope with what has happened, but they will not let the sorrow and pain that has overtaken them this week be the lasting legacy to those whose lives were lost. Under the leadership of President Charles Steger, the Virginia Tech community will become stronger as a result of this. Their compassion will reach far beyond the town of Blacksburg, deep into what is affectionately known as Hokie Nation. Their vocal pride in their community will not be silenced by the actions of one misguided soul.

□ 1110

I was very moved as I witnessed the process begun yesterday at the convocation at Cassell Coliseum. Speaker after speaker, including the President, the Governor, and so many great leaders at Tech spoke of not only the grief, but of overcoming the grief and moving forward to a brighter and better future.

For the families who have lost sons and daughters, fathers and brothers, mothers and sisters, I grieve for you and your loved ones. You will forever remain in the prayers of this Nation, and I hope that in time you can come to find peace.

For the Virginia Tech community, although we grieve today, and what has happened will never leave our minds, I know that you will take this tragedy and use it to build a stronger campus and a more compassionate community for all.

Mr. SCOTT of Virginia. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from New Jersey (Mr. PAYNE).

(Mr. PAYNE asked and was given permission to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, I join with my colleagues in expressing my deep condolences to the families of Virginia Tech University.

Let me begin by commending Representative BOBBY SCOTT for introducing this very important resolution. As you know, Representative SCOTT is a member of the Education and Workforce Committee and has shown a tremendous interest in young people throughout his State and the Nation,

and this exemplifies the deep concern that he has for all of our children.

Let me commend the Virginia delegation for its coming together and uniting with the Governor of the State of Virginia with the State legislators, with the students to see about a way that healing can start. To the families and friends of the 32 victims, to the students, to the faculty and the staff, to the alumni of Virginia Tech, we express our condolences.

As a member of the Education and Workforce Committee, we are deeply concerned about the future of our Nation. We are concerned about our young people whether they are in preschool, in elementary or secondary education, whether they are in the institutions of higher education. And we continually learn, and we have to continually change as Toffler said in his book, "Future Shock," 20 or 30 years ago, that if institutions and agencies do not change internally with the same rate of change externally, then those institutions or agencies become obsolete. And this is, again, another example of how we have to rethink how we operate. New Jersey had 4 students of the 32 who perished in this senseless act, and so our hearts are heavy, also.

I think that we have to see how we can assist. Those of us in New Jersey heard little about Virginia Tech 20, 30 years ago until they became a part of the Big East, and then we did hear about Virginia Tech because they had overwhelming sports teams, they had such tremendous student support. It is a great institution. And we know that they left the Big East for the ACC, but we have fond memories of our competitive competition.

I am a Seton Hall graduate, so we were competing many times.

But I think that we have to use this example to see how we can heal. I think that we need to take this tragedy and see how we can better identify students who have problems, students who go to elite schools, who are lonely, students that have situations that need to be dealt with.

We have in our inner cities many young people who don't have the opportunity to go to higher learning. We need to really, I think, as a former national president of the YMCAs of the United States, I think we need to focus more of our attention on the young people. A Nation that loses its young is losing a part of its future. We need to really spend more time on our young so that we develop them, so that we can nurture them, so that we can be sure that our country can be all that it can be as we move through this new millennium.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself 30 seconds.

I would just like to thank the gentleman from New Jersey who points out that this is a national incident with students from all over the country. And I would like to thank him for recognizing me as one of the sponsors of the resolution. The Virginia delega-

tion came together to present this resolution under the leadership of Mr. BOUCHER, so we appreciate his leadership today.

Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, at this time I recognize the gentleman from Virginia (Mr. WOLF) for 3 minutes.

Mr. WOLF. I want to thank Mr. SCOTT and Mr. BOUCHER for bringing this resolution up.

Words are inadequate at this time. And our community and our State and the Nation have been devastated by what has taken place.

Mr. Speaker, it is with a heavy heart that I rise today in support of this resolution offering the condolences of the House to the victims and their families of the horrific violence at Virginia Tech in Blacksburg, Virginia, on Monday morning, and to the students, the faculty, administration, staff and their families who have forever been changed by this tragedy.

My heart is heavy for the entire grieving Virginia Tech community and the families in the 10th District of Virginia who are mourning today because the young, promising lives of their children have ended. According to the morning news we have received, there are going to be at least five victims who call the 10th Congressional District, my district, home.

There really are no words that can adequately express, and as a father of 5 children and a grandfather of 12, words you can say, that can express the sorrow we are feeling for the families today. But with this resolution, it is my hope that the families in my district and the families and loved ones of all the victims will know that this district, this Commonwealth of Virginia and indeed the entire Nation are with them in spirit, offering them our heartfelt sympathy and prayers.

With my colleagues in the Virginia delegation, I attended the very moving and emotional convocation yesterday in Blacksburg. I was impressed with the Tech community, the students and staff, administration. President Bush did an outstanding job, as did Governor Kaine, in addressing the students and the administration. It was truly a feeling of family coming together to offer love and support to each other in their time of grief and loss.

There is still a numbness and incredulity about what happened on the Virginia Tech campus just 2 days ago. The wounds in Blacksburg are deep, but with the unity of spirit and the deep faith I felt yesterday on the Tech campus, it is my hope that as the tomorrows come, this outstanding institution and all those who are associated with it will find hope and peace.

May God bless all of us at this very, very difficult time.

Mr. SCOTT of Virginia. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Thank you, Mr. SCOTT.

To the members of the Virginia delegation, I am here with a heavy heart, as all of you are. This is the kind of tragedy whose ripples will affect the faculty, the staff, law enforcement, Blacksburg and the State of Virginia for a long time.

Eight years ago tomorrow we had Columbine in my area. I live about 2 or 3 miles from Columbine. The emotions that I feel and the grief that I feel for you bring back a lot of memories. I wish I hadn't seen this play before; I wish I didn't know this script. But I can assure all of you, if you need anything, you have friends in Colorado. We have been through this before.

It is a difficult time. There will be mourning; there will be finger pointing; there will be all sorts of things. And I would just say to all of you, we feel your pain. Your sons and daughters are our sons and daughters.

□ 1120

We will be there, whatever you need. We have been through this. The disbelief and the despair that all of us feel today, we felt 8 years ago. If we can help in any way, you have friends in Colorado.

Mr. SCOTT of Virginia. Mr. Speaker, I am pleased to yield to my colleague from the Eighth Congressional District of Virginia (Mr. MORAN) 4 minutes.

Mr. MORAN of Virginia. I thank my good friend and colleague for yielding, and I appreciate the fact that this resolution has come to the floor.

It is difficult to imagine a more heartbreaking moment than to have a family receive a call from the university, where they thought they had sent their child to a secure, nurturing, learning environment, only to find out that their child's life has been cut off before any of their potential could be realized. What a horrible loss. And to think that more than 30 of those calls have had to take place over the last 2 days.

This is a time for grieving, for trying to console. But, Mr. Speaker, as important and appropriate as it is to grieve after the fact, I think it may be even more appropriate for this body to stand up before the fact, because we know that this type of tragedy, perhaps not in as large a scale, but this type of tragedy will happen again. Whether it is in the workforce or on a college campus or a high school campus or on the street, innocent victims will be mowed down. And it happens more often in our country than in any other civilized nation, than in any other civilized nation on this planet. And the reason, Mr. Speaker, is because it is simply too easy to obtain a firearm.

If you are a criminal or mentally deranged or simply emotionally upset, virtually anyone can go to a store, even a retail department store, and buy a weapon of mass destruction. That is what has happened here and will happen again. And I know that the National Rifle Association is able to brag that it controls the gun control agenda

now from the White House. And the majority of Members of Congress are not going to stand up to the NRA. But the fact is, Mr. Speaker, I think we have a responsibility, particularly at moments like this when we are so acutely aware of the carnage that the proliferation of weapons throughout our society creates. When we are aware of the tragedy that this laxity causes, this lack of courage to stand up to gun manufacturers and say it is time, Mr. Speaker, no matter how politically difficult it might be, to try to reduce the number of weapons in our society. I'm not talking about those that are meant for hunting. People in Canada have all kinds of guns, but their rifles are used for hunting. They are not used for stalking and killing other human beings.

It is the proliferation of handguns, the kinds of guns that were used in this tragic incident and the ammunition clips that should be banned under the assault weapon legislation we let expire that have to be brought under control. And it is we, the people's representatives, who have to stand up and do something about this so that it doesn't have to occur again. As appropriate as it is, as I said, now to grieve with those families and to offer condolences, it is more imperative that we stand up before the fact, before another such tragedy occurs because of our lack of political courage.

Mr. McKEON. Mr. Speaker, I would urge our colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, we would urge passage of the resolution. I want to thank my delegates from Virginia. The Virginia delegation came together on this. We were together yesterday, and we appreciate the support from across the country. We urge passage of the resolution.

Mr. HOLT. Mr. Speaker, there are no words to describe the sorrow and the pain that we feel about the catastrophe that unfolded at Virginia Tech on Monday, April 16th. The most deadly shooting in our nation's history, it is indeed a tragedy of monumental proportions.

Among the 33 deaths in the attack at Virginia Tech were several New Jerseyans: Matt La Porte of Dumont; Michael Pohle from Raritan Township; and Julia Pryde, a biological systems engineering graduate student from Middletown and a resident of the 12th Congressional District. Two other Virginia Tech students killed in the attack—Mary Read and Caitlin Hammaren—had ties to New Jersey, and another—Sean McQuade of Mullica Hill—remains in critical condition.

Schools, colleges, and universities should be a safe refuge for students and faculty. They are environments that are open to new ideas, encourage learning in all aspects of academics and life, and help young adults to discover themselves and prepare for a career. Like students at colleges all over the country, the students at Virginia Tech are ambitious, intelligent, and community-oriented young people. They chose Virginia Tech, I presume, because of its high academic quality and be-

cause of the safe, pleasant community where the university is located.

I cannot begin to understand the pain and confusion that students must feel about the tragic events that have gripped the quaint town of Blacksburg. I can only begin to understand the panic and terror that parents, family members, and friends must have felt wondering about the safety of their loved ones.

In times of tragedy like these, it is important for a community to come together to help each other come to terms with the calamity that has occurred. I hope and pray that the friends and family members of the victims, the students and faculty at Virginia Tech, and others find solace and comfort as we deal together with this historic and heartbreaking episode.

This tragedy should lead other schools to review and develop their own plans for security, emergency response, and communication. Also, Congress and the entire country should reflect on what appears to be a culture of ever-increasing violence, on the psychology and methods of perpetrators of violence, and on the easy availability of guns. If there is a federal role in dealing with these matters, and I think there is, Congress should act.

Mr. RANGEL. Mr. Speaker, these words that I speak today do not come easily. They flow forth from a deep reservoir of sorrowful emotions that compel me to take this podium.

What we witnessed on the campus of Virginia Tech was too much. Too much for anyone to bear. Too much for a nation to bear. America weeps, Mr. Speaker.

In my life, I've seen the horrors of war. It is something I wish upon no one. To have battlefield casualties on an American college campus, is something I never thought I would see.

33 lives . . . 33 young, bright lives on the cusp of experiencing the greatness that life has to offer.

We must be mindful of everything we do. We must ask ourselves what we are doing that has created a world where this could happen. As much as it hurts we must reexamine what kind of society we want to be.

I cannot even begin to comprehend how such a terrible tragedy like this came to pass. It would be too easy to say that this horrific incident calls for some type of action by this body.

That may become necessary, but that is for another day. Today is a day for us to look within ourselves. To examine who we are as a people and never forget what happened on April 16, 2007.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support the resolution. But I do so with a heart still full of sorrow over a loss so overwhelming. Two days ago, on Monday, April 15, 2007, at Virginia Tech University, one of the nation's great land grant colleges, we witnessed senseless acts of violence on a scale unprecedented in our history. Neither the mind nor the heart can contemplate a cause that could lead a human being to inflict such injury and destruction on fellow human beings. The loss of life and innocence at Virginia Tech is a tragedy over which all Americans mourn and the thoughts and prayers of people of goodwill everywhere go out to the victims and their families. In the face of such overwhelming grief, I hope they can take comfort in the certain knowledge that unearned suffering is redemptive.

Mr. Speaker, Virginia Tech is a special place to those who claim membership in

"Hokie Nation." Founded in 1872 as a land-grant college named Virginia Agricultural and Mechanical College and located in Blacksburg, 38 miles southwest of Roanoke, Virginia Polytechnic Institute and State University, or "Virginia Tech," is now a comprehensive, innovative research university with the largest number of degree offerings in Virginia, more than 100 campus buildings, a 2,600-acre main campus, off-campus educational facilities in six regions, a study-abroad site in Switzerland, and a 1,700-acre agriculture research farm near the main campus. Through a combination of its three missions of teaching and learning, research and discovery, and outreach and engagement, Virginia Tech continually strives to accomplish the charge of its motto: *Ut Prosim* (That I May Serve).

Virginia Tech is home to 28,469 students and 1,304 full-time faculty members, who together created an environment conducive to learning, discovery, and achievement. Little wonder the typical freshman admitted to the Class of 2010 had a high school grade point average of 3.80, and an average cumulative SAT reasoning test score was 1231. "Hokie Nation," is comprised of more than 190,000 living alumni from every state and more than 100 countries.

Virginia Tech offers bachelor's degree programs through its seven undergraduate academic colleges: Agriculture and Life Sciences, Architecture and Urban Studies, Engineering, Liberal Arts and Human Sciences, Natural Resources, Pamplin College of Business, and Science.

The university offers masters and doctoral degree programs through the Graduate School and a professional degree from the Virginia-Maryland Regional College of Veterinary Medicine. It is also a research powerhouse. In fiscal year 2006, the university generated \$321.7 million for research program. Each year, Virginia Tech receives significant external support for research, instruction, Extension, and public service projects. Support for these projects originates from an ever-expanding base of sponsors. Today, nearly 775 sponsors fund more than 3,500 active projects. Researchers pursue new discoveries in agriculture, biotechnology, information and communication technology, transportation, energy management (including leadership in fuel-cell technology and power electronics), and a wide range of other engineering, scientific, social science, and creative fields. This research led to 87 disclosures, 17 patents, and 20 licenses in calendar year 2005.

But that seemed to matter little on Monday, which was the last day on earth for more than 30 members of the Virginia Tech family. Among them were future scientists, engineers, teachers, doctors, soldiers, fathers, mothers, friends, and leaders. All of them cut down in a hail of bullets before they reached the prime of their lives. So many promising lives interrupted; so many promising lives wasted.

The New York Times noted in its editorial that as the investigation of the Virginia Tech shootings unfolds in coming days, it will be important to ascertain whether there were any hints of the tragedy to come and what might be done to head off such horrors in the future. Campuses are inherently open communities and it is not easy to guarantee a safe haven.

But the carnage at Virginia Tech also commands that we here in this body take a stand against senseless acts of violence whether here in our own country or elsewhere around the world. It is long past time for our national community to declare that injuries inflicted on any member of the community by another simply based on hate or hatred of differences poses a threat to the peace and security of the entire community. For that reason alone, such conduct must be condemned and punished severely, if not prevented altogether.

As the poet Nikki Giovanni stated so eloquently yesterday in her stirring address at the convocation held by the university yesterday in Blacksburg:

We are Virginia Tech.

We are sad today, and we will be sad for quite a while. We are not moving on, we are embracing our mourning.

We are Virginia Tech.

We are strong enough to stand tall tearlessly, we are brave enough to bend to cry, and we are sad enough to know that we must laugh again.

We are Virginia Tech.

We do not understand this tragedy. We know we did nothing to deserve it, but neither does a child in Africa dying of AIDS, neither do the invisible children walking the night away to avoid being captured by the rogue army, neither does the baby elephant watching his community being devastated for ivory, neither does the Mexican child looking for fresh water, neither does the Appalachian infant killed in the middle of the night in his crib in the home his father built with his own hands being run over by a boulder because the land was destabilized. No one deserves a tragedy.

We are Virginia Tech.

The Hokie Nation embraces our own and reaches out with open heart and hands to those who offer their hearts and minds. We are strong, and brave, and innocent, and unafraid. We are better than we think and not quite what we want to be. We are alive to the imaginations and the possibilities. We will continue to invent the future through our blood and tears and through all our sadness.

We are the Hokies.

We will prevail.

We will prevail.

We will prevail.

We are Virginia Tech.

Mr. Speaker, we will prevail against senseless acts of violence. We will prevail against uncontrolled rage and anger. We will prevail against hatred and intolerance.

Today we are all members of the Hokie Nation. We are Virginia Tech.

Mr. ORTIZ. Mr. Speaker, I rise today with a heavy heart to lament the tragedy that has held our attention and broken our hearts nationwide as we hear more and more about the massacre at Virginia Tech this week . . . And I thank my friend the gentleman from Virginia for bringing this resolution to the floor today.

Sometimes a child of this nation is pathologically disturbed beyond control or even hope of understanding that murderous pathology . . . but in the events that follow horror—Columbine, or 9–11, or the massacre at Virginia Tech . . . or standing on a faraway battlefield . . . or even the spectacle of being the object of nation ridicule . . . our children have inspired us with their guts and their fast reactions in the face of numbing shock.

They reacted well to events that defied understanding, and touched our hearts and gave us a glimpse of our future. Our nation is in the hands of these extraordinary young people, all over the nation . . . those almost too young to remember Columbine, tempered by their early teenage prism of 9–11. This nation should find our comfort in the lessons from our children: adversity brings hope and when the worst of humanity shows itself, the best of humanity raises up to heal together.

Just now, there are thousands of facts still unknown about the Virginia Tech massacre . . . thousands of second guesses about all manner of the university response . . . and certainly thousands of questions and many more stories to come.

Today, I join parents from South Texas and around the nation as we pray for the students that were lost in Blacksburg, for their families . . . and for the millions of students and parents now psychologically wounded by the reality that students in college are hardly safe from dangerous minds and wounded souls.

To the families of those who lost loved ones, whose loved ones were wounded, and for the families of those students at Virginia Tech mourning their friends . . . know that this House—and the larger American family—are praying for them and standing with them at this most difficult moment. We are also praying for the family of the gunman; and we urge that there be no retaliation for these hideous acts.

When a parent sends a child to college, we are so proud. We are also worried about the choices they will make as they leave the safe harbor of our homes and neighborhoods . . . but today, there's a whole new horror to contend with.

As we learn more in the coming weeks, my colleagues and I are committed to finding new solutions to the monumental problems our schools and colleges face in protecting the safety of our children. And we will remain forever sobered by the fact that nothing can ever completely protect us—or our children—from a madman intent on killing.

Mrs. CHRISTENSEN. Mr. Speaker, I too rise in shock and dismay over the events that unfolded on the campus of Virginia Technical Institute on Monday this week.

My community is fortunate that none of our students there were injured or killed, but our grief remains at the loss of the 31 students and teachers who were killed, and the obviously disturbed young man who orchestrated this horrible tragedy.

When we send our children off to College, we do so with anxiety just because they are leaving the "nest". They are growing up and the relationship between us is changing. Never in our wildest imagination or fears do we think that we are sending them into harms way. All of that changed on Monday!

And so I sadly join my colleagues in support of H. Res. 306 to offer the heartfelt condolences on behalf of the people of the U.S. Virgin Islands to the victims, their families, their fellow students and faculty.

In doing so I take this opportunity to also remember the losses suffered at Kent state, I have a dear friend, Corinne Forbes Plaskett who was a student there at the time. She has never forgotten the horror of that experience and I am sure the events of Monday have re-awakened memories for her and others who were there at that time in Ohio.

May God bless all who were affected by both events, and may He bless us all!

Mr. BISHOP of New York. Mr. Speaker, I rise today in support of H. Res. 306, expressing our condolences to the victims and the families involved in the tragedy which occurred this week at Virginia Tech University.

April 16 brought terrible loss to all Americans and particularly to those who are part of a college or university. The nearly 30 years I spent working on a college campus were some of the most fulfilling of my life. I know how much a campus can become a community and the people within it, a family. In some ways, a campus is a haven—of learning and growth—in which students feel safe and free to pursue their dreams and aspirations. To young Americans, a campus is among the last places where such horrific fears could be realized.

When we look back on what occurred this week at Virginia Tech, we will honor those whose lives were taken and those who gave their lives to protect others. We will remember that we can never safeguard against every threat. Still, we can take steps to protect the precious communities in which we live. We must do more to ensure that lethal weapons do not fall into the wrong hands. We must equip campuses and cities with adequate emergency communication systems, so that critical information gets out in time.

In the meantime, Mr. Speaker, we stand with the friends and family members around the world who lost loved ones on that tragic April morning in Virginia.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 306.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

#### COMMENDING THE ACHIEVEMENTS OF THE RUTGERS UNIVERSITY WOMEN'S BASKETBALL TEAM

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 300) commending the achievements of the Rutgers University women's basketball team and applauding the character and integrity of their student-athletes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 300

Whereas under head coach C. Vivian Stringer the Rutgers University Scarlet Knights women's basketball team finished their extraordinary 2006-2007 season with a 27-9 record;

Whereas after losing four of their first six games the Lady Knights refused to give up and spent their Winter Break in the gym honing their skills and working to become a better team for the rest the season;

Whereas on March 6, 2007, Rutgers upset top-seeded University of Connecticut for their first-ever Big East Championship title;

Whereas the young women displayed great talent in their run to the Final Four of the women's National Collegiate Athletic Association (NCAA) tournament;

Whereas five freshmen played an integral role in the team's march to the championship game;

Whereas the Lady Knights showed enormous composure with tournament wins against teams playing in their home States;

Whereas through hard work and determination this young team fought through improbable odds to reach the NCAA title game;

Whereas the team was just the 3d number 4 seed in history to reach the championship;

Whereas the Lady Knights made school history as the first athletic team from Rutgers to play for any national championship;

Whereas during those 3 weeks, the Scarlet Knights brought excitement to the NCAA tournament and captured the hearts of basketball fans throughout New Jersey and across the Nation;

Whereas Rutgers students, alumni, faculty, and staff, along with countless New Jerseyans are immensely proud of what the team accomplished this past season;

Whereas the members of the team are excellent representatives of Rutgers University and of the State of New Jersey;

Whereas these young women are outstanding individuals who are striving to reach lifetime goals both on and off the basketball court;

Whereas the Lady Knights epitomize the term student-athlete with a combined B+ grade point average;

Whereas by excelling in academics, music, and community service, Katie Adams, Matee Ajavon, Essence Carson, Dee Dee Jernigan, Rashidat Junaid, Myia McCurdy, Epiphanny Prince, Judith Brittany Ray, Kia Vaughn, and Heather Zurich are great role models for young women across the Nation; and

Whereas the Lady Knights embody integrity, leadership and class: Now therefore be it

*Resolved*, That the House of Representatives—

(1) commends the amazing performance of Rutgers University women's basketball team in the NCAA tournament; and

(2) expresses its admiration for the achievements and character of this team of remarkable young women;

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from California (Mr. McKEON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

#### GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days during which Members may insert material relevant to H.R. 300 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

(Mr. PAYNE asked and was given permission to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, as a representative from New Jersey, I am pleased to rise here in the United States House of Representatives to praise the remarkable young women of Rutgers University, the Rutgers women's basketball team, the Scarlet Knights, and their inspiration, Coach C. Vivian Stringer. They are true champions, not only for their academic and athletic achievement, but for the dignity, strength and class they have shown during this ordeal.

These 10 young women overcame disappointing losses early in the season to advance amazingly to the Final Four. They lost four out of their first seven games. But around the Nation, fans watched as the Scarlet Knights of Rutgers, who lost four of their first seven games, defeated Duke's Blue Devils in the last seconds in an exciting 53-52 upset, the same team that had lost to Duke by 20 points earlier in the season. This victory followed a lopsided defeat of the very strong LSU women's team by a 59-35 score.

When the ugly incident with Don Imus on his morning show cast a shadow over their success, these young women showed what they are made of. In standing up for themselves and their school, they also made a stand on behalf of all young women who insist on being treated with respect and refused to be insulted, as Don Imus did to them, and stereotyped, as he used these disparaging words to describe these wonderful young women.

□ 1130

Don Imus and those of his ilk vastly underestimated New Jersey's strong and proud Scarlet Knights. He underestimated the pride we in New Jersey feel in the remarkable women of this remarkable team. As a matter of fact, during the 13 original States, New Jersey had a theme, and it just said: Do not tread on us. And that meant we are a proud, small State, but do not mess with us. Don Imus did not know the history of New Jersey.

Don Imus may have had a microphone, but he was no match for these young women and their coach who so eloquently spoke up for what is right and what is fair. I am so proud that through their action they were able to persuade two major networks, MSNBC and CBS, as well as numerous advertisers that the days of using the public airwaves to ridicule and debase anyone they choose are over. He did not realize that these women, as I said, at that initial press conference, that they had, with the 10 of them, all underclass persons, dressed in their uniforms, sitting up proud, people who will be future

lawyers and musicians, all top students. As they spoke, as they introduced themselves, it was just a joy, and so Don Imus really did a favor to these young women because it gave America a chance to put a face with a name, to listen to what he said and what he called them and to see just the quality of these young people.

Let me add that it is time that the Federal Communications Commission start doing its job by halting the use of racial and gender slurs over the public airwaves. As long as there is weak enforcement, there will continue to be hate language used by the so-called shock jocks.

As a matter of fact, there was a great outcry when at the Super Bowl there was an indecent of exposure, and there were fines levied because there was some equipment failure, and therefore, there was an outrage of indecency.

However, it is allowed for people to say whatever they want to say. As a matter of fact, in countries, radio has been used to foster hate. As in Rwanda, it was hate radio, Radio Colline, that went on to say, let us get this genocide going; you know what those people look like, go and get them. And it was the radio that pushed this, and so we have to be careful about what we allow to happen on the airwaves. History has shown us that words matter, and when society accepts ugly language, ugly incidents will follow.

I call on the networks to examine their record of hiring minorities for top on-air and executive positions so that African Americans are fairly represented in the media. One reason that the networks made the decision to discontinue the Imus show was that the network employees let the management know how disturbed and offended and embarrassed they were to work for that company. That was the overriding factor, and then the sponsors said that they would withdraw their sponsorship.

And so we will not allow these demeaning commentaries to continue. I once again applaud those young women and their fine coach from the Scarlet Knights at Rutgers University.

Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution to honor the women's basketball team at Rutgers University for their incredible accomplishments on the court, as well as their courage and integrity off the court.

Led by head coach Vivian Stringer, the Scarlet Knights won their first ever Big East conference tournament championship this year and advanced to the national championship in Cleveland just 2 weeks ago. Though they lost that game to the University of Tennessee, these young women made the 2006–2007 season one to remember for Rutgers students, alumni and fans.

Unfortunately, just hours after the national championship game, they were confronted with some disheart-

ening comments by a radio personality. Throughout all the media coverage that followed these comments, these young women handled themselves with an impressive amount of integrity, with grace and with strong character. As a result, it is their accomplishments on the court, not the comments off the court, for which they should and will be remembered.

Mr. Speaker, the Rutgers University women's basketball team is comprised of student athletes in the truest sense. They have an impressive collective grade point average, a solid selection of majors and a record in the classroom that matches their great work on the hardwood. On the court, these young women have dedicated themselves to improving and honing their skills through many hours of practice both during the school year and during academic recesses.

Mr. Speaker, I congratulate the Scarlet Knights on these accomplishments and wish them the best of luck in all they will take on in the future, and again, I am pleased to honor these young women through this resolution. I believe they have set an example from which many other collegiate athletes can learn.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield as much time as he may consume to the gentleman from New Jersey, from the Sixth District (Mr. PALLONE) whose district is the New Brunswick Rutgers. Newark Rutgers is in my district, and I know Camden Rutgers is in your district, Mr. Speaker. So we yield to the gentleman.

Mr. PALLONE. Mr. Speaker, I want to thank my friend Donald Payne for the introduction and for the comments that he made.

Mr. Speaker, I am very proud to be the sponsor of this resolution honoring the Rutgers University Scarlet Knights women's basketball team, and I applaud their character and integrity. These remarkable young women are a class act, and I am proud to represent them and Rutgers University here in Congress.

Rutgers had a Cinderella season that saw them come back from some devastating early season losses, including a 40-point loss to Duke University. In fact, after losing four of their first six games, the Scarlet Knights refused to give up and spent their winter break in the gym honing their skills and working to become a better team for the rest of the season.

Under head coach V. Vivian Stringer, the Scarlet Knights finished their extraordinary season with a 27–9 record. To cap it off, Rutgers upset top-seeded University of Connecticut for their first ever Big East championship title. They had lost to UConn twice in the regular season.

During the NCAA tournament, they upset top-seeded Duke University in the second round and remained poised with wins against teams playing in

their home States. The team brought excitement to the tournament and captured the hearts of basketball fans throughout New Jersey and across the Nation. Through hard work and determination, this young team fought through improbable odds to reach their first ever NCAA title game.

A day after their loss, outrageous comments were made about the team by Don Imus on his CBS radio and MSNBC show. Afterwards, the team showed great courage in choosing to meet with him so he could see firsthand how wrong his sexist and racist comments were. During this emotionally and mentally exhausting ordeal, these remarkable young women maintained enormous composure as they became media headlines for controversy.

The Scarlet Knights women basketball players are excellent representatives of Rutgers University and of the State of New Jersey. By striving to reach lifetime goals, both on and off the basketball court, they are great role models for student athletes across the Nation. Even with a grueling sports schedule, the players have managed their priorities well. They have maintained academic excellence with a combined B-plus grade point average and are actively involved in the community.

Mr. Speaker, these women are the future leaders of tomorrow. Last week, when faced with adversity, they proved their promise when they stood in front of the entire Nation with dignity and grace.

I think I can speak for Rutgers students, alumni, faculty and staff along with my colleagues here and countless New Jerseyans when I say, we are immensely proud of this team. They deserve to be honored for their hard work, dedication and heart.

I am hopeful that my colleagues will recognize these fine women by passing this resolution today.

□ 1140

Mr. PAYNE. Does the gentleman from California have any further speakers?

Mr. McKEON. We have no more speakers. Do you have any?

Mr. PAYNE. We have no additional speakers.

Let me conclude by thanking the gentleman from California and thanking my colleague from New Jersey. We commend the young Scarlet Knights for the outstanding job that they did.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 300, which congratulates the Rutgers University Women's Basketball Team, coached by the incomparable C. Vivian Stringer, on their extraordinary basketball achievements and applauds their character and integrity as student-athletes. The Rutgers Lady Scarlet Knights women's basketball team embodies all that is great about women's sports: intelligence, toughness, tenacity, leadership and, most of all, class.

The Lady Scarlet Knights also showed the power of athletics in unifying a community, be it Rutgers University, the entire state of New Jersey, or the United States.

That is why it was so disheartening that certain individuals would take this occasion to utter a few disgusting and divisive comments. I strongly condemned those words. There is absolutely no excuse for that kind of conduct, and Don Imus was right to apologize.

What we must do now is address this situation as a country. We must start a dialogue that not only helps to heal the wounds that this type of hateful language renews, but also brings us to a better place as a society.

The Rutgers women's basketball team has been a great inspiration to all of us in this country. These young women are some of the best our country has to offer, and they set an example for girls all across New Jersey and the United States.

The Lady Scarlet Knights completed a dream season, making it all the way to the national championship game where they fell to the Lady Vols (34–3) of the University of Tennessee. The Scarlet Knights (27–9) were appearing in their first-ever championship contest. They made it to the championship game by winning eight consecutive games, including the Big East Conference Tournament and the championship of the Greensboro Regional.

The Lady Scarlet Knights are champions. Congratulations to C. Vivian Stringer, her coaching staff and her exceptional basketball team.

Mr. ORTIZ. Mr. Speaker, I rise today to join the chorus of voices in commending the achievements of the Rutgers University women's basketball team and applauding the character and integrity of their student-athletes in the face of unmitigated outrage and public humiliation.

This is to thank these young women—and their coach—for the life lessons they taught all of us, both on and off the basketball court. Their stoic dignity and remarkable grace under tremendous pressure and embarrassment were nothing short of a central moment in our national life.

I may be the only one who didn't listen to Don Imus' radio show—I've never been a fan of talk radio, particularly talk radio that exists to exacerbate the pathology of hate speech among us that pointedly seeks to diminish our fellow citizens because of race or gender.

Many people find that funny. I don't . . . and submit that if something is truly funny, everybody laughs. When an audience sucks in their breath in horror, they are not amused.

Free speech? Of course it is, and anybody in this country can say anything they want to, anytime they wish, and they can be as hateful or mean as they choose to be. But, Imus' show went out over the public airwaves—owned by all of us—and was supported by advertisers at MSNBC and CBS. Free speech does not mean you can hurt people over the public airwaves, and it does not mean advertisers must continue to support that hateful speech. So let us not blur the issue on that.

The young ladies of the Rutgers women's basketball team overcame all the odds to get to the final game of the NCAA women's championship, and they came heartbreakingly close to winning the national championship. Their grace and extraordinary sportsmanship was first evident at that game and afterwards . . . then under the glare of the national spotlight as objects of Imus' cruel ridicule.

It is important to note here that it was the advertisers on Imus' show that showed the most backbone in pulling their ads, essentially

saying: our consumers don't appreciate this, goodbye. Had they not pulled their ads, Imus would have completed the familiar cycle of apology and continued ridicule of women and minorities in the name of humor.

The advertisers could not help but be moved by the image of these student athletes calmly relating how the words that hurt so much affected them. Their quiet dignity moved this nation—and was the exact opposite image of a shock jock trying mightily to hold onto a job so he could continue to make fun of them and many other minorities.

I thank these young women—and the leadership of their coach—in teaching all of us a lesson in how this nation treats all our citizens, how we use the public airwaves, and the power of consumers with advertisers in winnowing out that which is hateful entertainment.

Mr. HOLT. Mr. Speaker, I rise to commend the Rutgers women's basketball team for making all New Jerseyans proud through their athletic and academic achievements, as well as through the intelligence, dignity, and class that they showed in response to hateful, racist, and sexist remarks made about and against them. As one of two Members of Congress who represents Rutgers University here in Congress, I would like to pay tribute to them.

The Scarlet Knights had a remarkable season, winning 27 games on their way to the national championship game. The Big East Champions played hard and displayed all the attributes of a championship team—hustle, dedication, skill, and teamwork. But what distinguished this team most, in my opinion, is not what happened during the season, but after it.

It is unfortunate that the end of this amazing season was marked not by a celebration of their achievements on the basketball court and in the classroom, but by ignorant, racist, and sexist remarks by a radio personality. The players and coaches were understandably hurt and angry, and their reaction to these hateful words shows why all New Jerseyans deserve to be proud.

The players and Coach Vivian Stringer reacted with restraint, eloquence, and dignity. They engaged with the person who had insulted them. They told their personal views of why his words were so hurtful and inappropriate, and they accepted his apology. I hope that this incident will lead to a broader dialogue about race relations in this country. I look forward to working with community and religious leaders, elected officials, and others in New Jersey to foster an atmosphere where such comments are not only condemned, but do not happen in the first place.

We hold up college athletics not for the entertainment of alumni and fans, but because we believe athletic participation builds character. These women of the Rutgers basketball team showed that they have character.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to congratulate the Rutgers University women's basketball team on their outstanding 2006–2007 season.

As highlighted in this resolution, the Lady Knights sacrificed their own personal vacations over winter break to stay at school and train for their well-deserved victories in 2007.

It is this dedication that gained them the Big East Championship title and a spot in the women's NCAA final four. It also made them the very first athletic team from Rutgers to

earn a spot playing in a national championship. Their hard work, perseverance, and extraordinary skill have set an excellent example for athletes everywhere: women and men alike. And, as the national media spotlight turned on them in the wake of the ugly remarks by radio shock jock Don Imus, they maintained the same poise and grace under pressure that they exhibited on the court.

I would especially like to extend my congratulations to sophomore, Heather Zurich of Montvale, New Jersey. Her performance with the Lady Knights as forward was an integral component to the team's success this season.

The Rutgers University women's basketball team is a great source of pride to their campus and all of us New Jerseyans. I applaud their accomplishments and look forward to hearing of their future successes.

Mr. PAYNE. Mr. Speaker, I yield back the balance of my time.

Mr. McKEON. Mr. Speaker, I urge passage of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 300.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. PAYNE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

#### HONORING THE 53,000 SOLDIERS, SAILORS, AIRMEN, MARINES, AND CIVILIANS THAT COMPRISE THE NATION'S SPECIAL OPERATIONS FORCES COMMUNITY

Mr. SMITH of Washington. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 305) honoring the 53,000 soldiers, sailors, airmen, Marines, and civilians that comprise the Nation's special operations forces community.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 305

Whereas the failure to organize, train, equip, and plan special operations forces (SOF) missions in a joint environment ultimately led to the aborted military operation Eagle Claw, more commonly referred to as Desert One, where eight servicemembers lost their lives attempting to rescue American hostages held in Tehran;

Whereas this failure led to Congressional passage of the Goldwater-Nichols Department of Defense Reorganization Act of 1986, which established the United States Special Operations Command and the principle legal authority for the United States military to organize, train, equip, and operate jointly;

Whereas April 16, 2007, marks the 20th year anniversary of the establishment of United States Special Operations Command at MacDill Air Force Base, Florida;



Whereas United States Special Operations Command is comprised of—

(1) United States Army Special Operations Command at Ft. Bragg, North Carolina;

(2) Naval Special Warfare Command at Naval Amphibious Base, Coronado, California;

(3) Air Force Special Operations Command at Hurlburt Field, Florida;

(4) Marine Corps Special Operations Command at Camp Lejeune, North Carolina; and

(5) Joint Special Operations Command at Ft. Bragg, North Carolina;

Whereas the most visible SOF mission is direct action, but SOF missions also extend across the vast operational spectrum to include unconventional warfare, counterterrorism, counterproliferation, counterinsurgency, strategic reconnaissance, civil-military operations, foreign internal defense, psychological and information operations, humanitarian assistance, and theater search and rescue;

Whereas the President, in the 2004 Unified Command Plan, expanded the role of United States Special Operations Command to serve as the "lead combatant commander for planning, synchronizing, and as directed, executing global operations against terrorist networks in coordination with other combatant commanders";

Whereas special operations forces are ideally suited to meet the asymmetric threat posed by violent Islamists who promote intolerance, stifle freedom, and destroy peace;

Whereas the United States has called on the special operations community to promote freedom and democracy around the world in places such as—

(1) the Island of Basilan in the Philippines, where Army Special Forces teams and Navy SEALs continue to successfully develop partner nation capacity that has significantly improved Philippine security and has furthered America's national security interests in the Pacific region;

(2) South America, where SOF personnel continue to train and cooperate with local forces to thwart illicit drug trafficking and terrorist activity;

(3) the Horn of Africa, where Marine special operations and other SOF personnel work closely with coalition partners to promote regional stability;

(4) Afghanistan, where Air Force combat controllers and other SOF personnel significantly contributed to the liberation of a nation from an oppressive regime and continue efforts to maintain the peace and promote democracy in that country; and

(5) Iraq, where SOF personnel have admirably served in support of coalition forces;

Whereas the SOF community consists of numerous individuals recognized for acts of distinction and valor, including 48 Congressional Medal of Honor recipients;

Whereas the 2005 Quadrennial Defense Review recognized the importance of SOF and the critical role that it plays in the War on Terror and called for an increase of 15 percent in SOF beginning in fiscal year 2007; and

Whereas the core principles of the special operations community, known as the SOF Truths, hold that—

(1) humans are more important than hardware;

(2) SOF cannot be mass produced;

(3) quality is better than quantity; and

(4) competent SOF cannot be created after emergencies occur: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) honors the sacrifices and commitment of the 53,000 soldiers, sailors, airmen, Marines, and civilians that comprise the Nation's special operations forces community and recognizes that it owes each and every one of them a debt of gratitude;

(2) honors the families of the Nation's special operations forces warriors who are there day-in and day-out while their loved ones are deployed around the world; and

(3) recognizes that the United States military should seek to replicate the success that the special operations forces community has achieved throughout the War on Terror.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. SMITH) and the gentlewoman from Virginia (Mrs. DRAKE) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I yield myself as much time as I may consume.

This resolution is to honor our special forces on their 20th anniversary. I will have much more to say about this, but at this point I want to reserve the balance of my time and thank Congresswoman DRAKE for her leadership on this issue as the prime sponsor of the bill and allow her to speak first.

Mr. Speaker, I reserve the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield myself as much time as I might consume.

I would like to thank Mr. SMITH, the chairman of the Terrorism and Unconventional Threats Subcommittee, and Mr. THORNBERRY, the ranking member, for their support and for working in a collaborative way to quickly bring this resolution to the floor.

I rise today to honor the brave men and women of the United States Special Operations Command. The Second Congressional District of Virginia is home to Naval Amphibious Base Little Creek and Dam Neck and is home to Naval Special Warfare Group TWO and Naval Special Warfare Development Group. The fine sailors, airmen, soldiers, marines and civilians of the command hold a special place in my heart, as they do for many of my colleagues on the Terrorism and Unconventional Threats and Capabilities Subcommittee and on the Armed Services Committee.

This resolution is both proper and timely, as the 20th year anniversary of the establishment of the United States Special Operations Command in Tampa was this past Monday, April 15. Since that time, SOCOM has been involved across the globe as the "tip of the spear," providing for our Nation's security across the continuum of conflict.

On September 20, 2001, in preparing this country for the war on terror, President Bush said, "Our response involves far more than instant retaliation and isolated strikes. Americans should not expect one battle, but a lengthy campaign, unlike any other we have seen. It may include dramatic strikes, visible on television, and covert operations, secret even in success."

Since the attacks of September 11, 2001, SOCOM has been leading the way

in the war on terrorism and in promoting peace and security around the globe by conducting the full range of special operations missions. We are here today to honor those men and women who operate with little recognition, the ones whose successes remain unnoticed by the world at large.

□ 1150

We face an enemy vastly different from the one 20 years ago. Our enemy hides in the shadows, within society, and it is no longer bound by convention.

As my colleagues know, I have on many occasions come to this floor to talk about the mainstream media and their seemingly unwillingness to address the positives regarding our military and their achievements throughout the war on terror. As little as the American people hear about the successes of our conventional forces, they hear less about the successes of our special operations forces.

That is why this resolution is timely and important. The men and women of SOCOM are there, every day, with little or no logistical support, building relationships and providing security in some of the most remote places across the globe.

Mr. Speaker, we honor all those who wear the uniform. But today, I believe it is important that we honor those patriotic men and women that comprise our special operations community.

U.S. SOCOM's vision sums this up: To be the premier team of special warrior, thoroughly prepared, properly equipped and highly motivated at the right place, at the right time, facing the right adversary, leading the global war on terrorism, accomplishing the strategic objectives of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume.

As Mrs. DRAKE pointed out, we are honoring the 20th anniversary of the forming of the command on special forces, and I think it is important to remember why Special Operations Command was set up. It was in reaction to the failure of the Desert One rescue attempt of the Iranian hostages, and there were a lot of lessons learned from that and a lot of studies that went into it.

Two of the biggest ones were, one, we needed a better joint structure. The military was too divided in its various service components, and they did not work together. We had large numbers of assets that could function a lot better if they could be brought together in a coordinated fashion, and this is something that was embodied in the Goldwater-Nichols changes throughout the services and especially on the Special Ops Command to try to bring those forces together.

Secondly, we didn't really have groups that were trained for that type of mission, for the ability to go in and rescue hostages, to do the direct action missions that required very specialized training. So the command was formed to help address those two issues and has been a fabulous success.



As Mrs. DRAKE pointed out, we now have over 53,000 people who are part of Special Operations Command performing some of the most important tasks in our military and performing them very, very well. Our capabilities have been enormously enhanced because of the Special Operations Command. There are many of them stationed throughout the U.S. and throughout the world. I am very proud at Fort Lewis and in McCord to have the first special forces group at Fort Lewis and the 22nd Special Tactics Aviation Command at McCord. And I have also had the opportunity to visit many of these units in various places throughout the country and throughout the world, and they are serving us very, very well.

As we move forward, I think the important thing we are trying to develop on the Terrorism Subcommittee on Armed Services is to bring into play another important piece of what the special operations forces do. There is a tendency to think of them as the direct action guys. They find bad guys and take them out. If we have hostages that need to be rescued, they go get them. But there is another very important task that they perform, and this is in the unconventional warfare, indirect action piece.

We are now active in well over a dozen countries throughout the world where our special forces folks go into the community, work very closely with local communities to help stop insurgencies before they take root. We are doing this in the Philippines, and we are doing this in Central Africa. And it is having enormous benefits.

It is far, far better to get in early, help train the locals in terms of how to protect themselves and then to help them with their local population on the issues that are most important.

We had testimony yesterday from a former special operations person who said when they first went into Northern Africa, the best thing they did was they brought a dentist with them. The locals so desperately needed that help; when we gave it to them, they then helped us deal with the insurgency problem.

Whether it is bad schools or bad water supply, our special forces people are getting engaged with the local community, understanding the culture and learning the language and becoming helpful. That, I believe, is the future of our battle against al Qaeda and many, many other insurgent movements, is to get the population on our side, hearts and minds before we have to engage in the type of military action that is by definition messy and not always as focused as we would like it to be. Let's get the insurgency stopped before it starts, and that is what our special forces can do and are very well trained to do.

To move forward with this, to continue moving forward on the mission, I think we need to do two things: One, we need to grow the force, never sacri-

ficing quality for the sake of quantity, but to grow the force and to set up the training system necessary and the recruitment system necessary. We are going to need more special operations forces in the wars we are now fighting.

The second thing is to get that emphasis on indirect action. We will, I believe, need to make some restructuring within the Special Operations Command to get that emphasis on indirect action because for so long the emphasis has primarily been on direct action.

So those are issues that we want to work on. I am very pleased to join with Congresswoman DRAKE in honoring our Special Operations Command on the 20th anniversary of their existence.

Mr. Speaker, I reserve the balance of my time.

Mrs. DRAKE. Mr. Speaker, before I recognize our next speaker, I would like to take a moment and extend my deepest sympathies and support to the grieving Virginia Tech family.

This week we witnessed a tragedy of overwhelming proportions that has destroyed the lives of many innocent victims. While the consequences are devastating, I was inspired by the ability of students, alumni, faculty, family and neighbors to come together, driven by a sense of community and compassion, to support others in their time of need.

Mr. Speaker, I will submit a further statement for the RECORD.

Mr. Speaker, I would like to yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentlewoman from Virginia for yielding me this time.

I rise today to salute our Nation's special operations forces as a cosponsor honoring the 20th anniversary of United States Special Operations Command.

As we continue to fight the global war on terror, special operations forces are making incredible contributions and playing a most essential role in winning this war. They truly are the tip of the spear.

As co-chair of the Special Operations Caucus, I am very proud my district is home to Fort Bragg, which is home to Army Special Operations Command and Joint Special Operations Command and the John F. Kennedy Special Warfare School.

But Fort Bragg is only part of the amazing force that comprises Special Operations. Members of the Navy, Air Force and the new Marine Corps Special Operations Commands also play critical roles in addressing the threats we face as a Nation.

These quiet professionals are promoting freedom through their service around the world. During my visits with special operators here, at home and overseas, I have consistently been struck by their unwavering dedication, commitment and capability.

The role of these special operations forces is only going to grow, and as they grow, it is vitally important that

we keep the soft truths closely in mind: Humans are more important than hardware; quality is better than quantity; SOF forces cannot be mass produced; SOF cannot be easily created after emergencies occur.

The service and sacrifice of the 53,000 members of the special operations community and that of their families are a major part of what creates and maintains the freedom we all enjoy.

I am honored to be able to work on behalf of our special operators. I salute these quiet professionals in the United States Special Operations Command on its 20-year contribution to our national security. I thank Chairman SMITH and Ranking Member THORNBERRY.

Mr. SMITH of Washington. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR. Mr. Speaker, I thank the distinguished chair of the terrorism subcommittee, Mr. SMITH.

Mr. Speaker, I rise to honor the commitment, dedication and sacrifice of the men, women and extended family of Special Operations Command. Special Operations Command is located in Tampa, Florida, at MacDill Air Force Base in my district, and I am very proud to use this week, the 20th anniversary of the command's founding, to salute their service.

There is little doubt that a need still exists for the well-coordinated special forces.

□ 1200

There are just some things that conventional forces are not set up to do. Special forces have been around for centuries. But SOCOM can directly trace its roots to the Office of Strategic Services, the OSS, the intelligence agency that was formed during World War II.

Tampa resident Art Frizzell, who is 87, served as an OSS agent. He parachuted behind German lines in France and worked with French partisans to blow up bridges and help organize the resistance during World War II.

In many ways, Frizzell said, special operations were as much about brains and unconventional warfare in the 1940s as they are today. We recognized, Frizzell said, that we had to be flexible. We did the job that nobody else could do.

So at this 20th anniversary, we salute the brave men and women who have served our country in the special operations, much of which you will never understand or know. But the American people trust in their service.

So on this day, on behalf of the Florida's 11th District, proud home of Special Operations Command, we salute your service and thank you.

Mrs. DRAKE. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE of Minnesota. Mr. Speaker, I thank the gentlelady for her thoughtfulness and leadership in bringing this resolution to the floor.

I rise in strong support of H. Res. 305. Mr. Speaker, next week will mark the 27th anniversary of Operation Eagle Claw, better known to most Americans as "Desert One," which the distinguished chairman mentioned moments ago.

On April 24, 1980, a task force consisting of Army special forces, Army Rangers, Air Force special operations wing personnel and the Navy, Marines and Air Force succeeded in moving thousands of miles, undetected, until reaching a remote location in the Iranian desert 200 miles from Tehran in an effort to rescue the American hostages being held at the American Embassy.

A combination of helicopters and C-130 aircraft rendezvoused with the intention of rescuing these hostages in Tehran the following evening. Due to mechanical failures and weather problems, only six out of eight helicopters successfully arrived at the Desert One rendezvous. Once the six helicopters arrived, the rescue attempt was dealt a final blow when it was learned that one of the helicopters had lost its primary hydraulic system.

As the various aircraft began moving into position to return to their respective launching points, one of the helicopters, flown by one of my very best friends, collided with a C-130 aircraft on the ground. Flames engulfed the helicopter and the C-130, which resulted in the death of five airmen and three marines.

During my 25 years in the Marine Corps, I had the good fortune to know many of the heroes of that day, and I did, in fact, count many of them as my best friends. These brave men were asked, and all proudly volunteered, to undertake the challenge of rescuing their fellow Americans in a mission of the utmost secrecy and gravest danger.

Members from all branches of our armed services came together, bringing with them the best of skills and experience, but it was not enough to do the job. In the end, inadequate equipment, tremendous dust storms, extraordinary logistical challenges contributed to the mission's failure. But these circumstances in no way diminished the skill and bravery of the men who took on this hazardous mission against all odds.

Out of the ashes of Operation Eagle Claw arose the organization that we honor today. In 1986, Congress established a new unified command for special operations forces, designated as the U.S. Special Operations Command. And today we gratefully honor the 20th anniversary of SOCOM's founding and the men and women who fill its ranks.

Like their predecessors, the men and women that comprise today's special operations forces have accepted the challenge of tackling some of the most difficult and dangerous missions assigned to our military. As we have witnessed in Iraq, Afghanistan, the Horn of Africa, the Philippines and in many other locations across the globe, they have handled these missions with honor and skillful professionalism.

To those who perished in Operation Eagle Claw and the many SOCOM missions since then, we offer our sincere appreciation. And to those who carry on their noble mission, we pledge our Nation's support.

Mrs. DRAKE. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I have the highest regard for every man and woman who serves in the United States military. Whether they be a member of the Air Force or the Army or the Marine Corps or the Navy or the Coast Guard, everyone who volunteers to serve our country deserves the gratitude of every American citizen. And to the extent that they have provided the great service to our country, we all thank them, each and every one.

Just as people volunteer to be in the military, some people, various people, in the military volunteer to do different things. And those who volunteer to be members of the Special Operations Command are often referred to as the "tip of the spear." This is the insignia on this plate of the Special Operations Command. It is the tip of the spear. And we refer to them as members of an organization that is the tip of the spear because they volunteer to put them themselves in great danger very often. They do it for our country. They do it for our government. They do it for their families and their friends and neighbors; and it makes them, in my view, a very special cadre of people in the United States military.

Today, there are 53,000 soldiers, sailors, airmen and marines in the joint organization made up of members of all four services known as the Special Operations Command. The acronym, of course, that we use is SOCOM. These are highly trained individuals who devote themselves and commit their lives to the very defense of our country.

There are people in the Special Operations Command who take part in something called direct action. The Navy SEALs would be such an organization, Naval Special Warfare Command actually is the formal name, or Navy SEALs as they more generally are known as people who are often direct actors.

And then there are special operations folks who are indirect actors, who try to manipulate, if you will, the shape of the battlefield or attitudes on the battlefield among our enemies that would be beneficial to us. These are civil affairs people and psychological operations people and others who take part in an indirect way rather than in a so-called direct way.

Since SOCOM's inception, the special operators have conducted high-profile missions, including operations to establish a democratic government in Panama, hunting Scuds during the first Gulf War, providing relief to Kurds during Operation Provide Comfort, and the mission to capture Mohammed Hadid in Somalia, and many other operations around the world.

Not only did they put themselves in great danger, and not only do they perform a great duty to our country, but they do it at great sacrifice for themselves and their family. They train constantly. They have deployed very often and they are, indeed, a credit to themselves, a credit to their families, who pay a sacrifice as well, and a great credit to our Armed Forces.

So I rise today to commend the gentlelady from Virginia (Mrs. DRAKE) for offering this resolution. It is certainly one that is well deserved on this 20th anniversary of the establishment of the United States Special Operations Command.

Mr. SMITH of Washington. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Mr. Speaker, I am pleased to address the House on the occasion of the 20th anniversary of the creation of SOCOM. And today we not only pat ourselves on the back for having created SOCOM, but at the same time, we honor and recognize all of those military personnel for SOCOM who have done so much for this country over the years.

Twenty years seems like a long time, but in the course of history it is not a very long time. And if you think about all of the engagements that we have had in recent years and the challenges that we likely face as a country over the next few decades, SOCOM is going to be around with us for quite some time. And it brings to the table capacities that we vitally need.

□ 1210

Our experience in Iraq shows us that we simply cannot compel indigenous societies to do what we wish them to do. We have got to persuade them to work with us to bring peace and security, not only for their countries but throughout the world. And in order to do that, our special forces, part of SOCOM, are extraordinarily effective.

We have direct action operators, and then we have indirect action. Direct action is us, in a very sophisticated way, doing what we need to do to affirmatively address with military force, kinetic force, problems that we perceive, and SOCOM is very, very effective at delivering direct action.

But there is also the indirect action. The ability of special forces to work with indigenous populations to get them on our side, if that is the right term, and to persuade them to develop their capacity to provide security for themselves, which in turn provides security for us. We all recognize that, in this new era where there is a growing lethality of hatred, where one or two or a small group of individuals located somewhere in the world can obtain things that are very, very deadly, dangerous to the United States and the Western world, and deliver them to us, in an era in which individuals can do this worldwide, we have got to be able to network. We have got to be able to

create effective Security Forces among indigenous populations, and special forces brings that kind of capability to the table.

So I expect we will grow SOCOM. I expect SOCOM will be in the future a very important part of our Nation's defense. I thank all of the men and women in SOCOM for the great service they have provided and congratulate SOCOM on its 20th anniversary.

Mrs. DRAKE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise in support of this resolution and especially in support of the commitment and dedication that lies behind it, both the troops that make up the Special Operations Command and the Members here in the House who support them.

The gentlewoman from Virginia (Mrs. DRAKE) conceived of this resolution as a way of recognizing the unique contribution that these forces make to our national security, and she has been a leader in advocating on their behalf. The gentleman from North Carolina (Mr. HAYES) has been one of the strongest advocates for Special Operations Command, not only their value to the country but also what they need to carry out their job, and he, along with Mr. MCINTYRE of North Carolina, are co-chairs of the Special Operations Forces Caucus here in the House. The gentleman from Florida (Mr. MILLER) has also been a leading advocate for special operations forces, as has been, of course, the gentleman from Georgia (Mr. MARSHALL), the gentleman from Minnesota (Mr. KLINE), who have unique military backgrounds to contribute. And I have got to say that the chairman of this subcommittee, Mr. SMITH, as well as the previous chairman, Mr. SAXTON, work not only for recognition but also to see that these forces have the resources, the support, the organization they need to carry out their job. This is not just a one-time recognition. This is something that a number of dedicated Members work on throughout the year to provide the backup support that these folks need.

Mr. Speaker, warfare is always changing. The kinds of skills and missions that our special operations forces bring are absolutely critical to today's fight but even more critical to the national security challenges ahead, both the direct action and the indirect action. Bringing precise targeted effects without a large number of troops, without a big logistical tail, that is very important. It is also very important to help train other militaries so that they can work with us and we are not dependent upon our troops to do all the things that need to be done.

So this is an important resolution, but the commitment and dedication of the gentlewoman from Virginia and my chairman from Washington are the crucial elements that help these folks do their job day in and day out. It deserves our support.

Mrs. DRAKE. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume just to say one quick thing.

The bipartisan agreement on our support for the Special Operations Command and the support for the mission I think is something that would surprise a great many people and something we need to focus on.

And I want to thank Mr. THORNBERRY, Mr. SAXTON, Mrs. DRAKE, Mr. KLINE, the subcommittee that is focused on this issue. We are very much in the same place on what we need to do to be ready to combat the threat we face from al Qaeda and other insurgent groups, and I think it speaks very well of the committee, both the subcommittee and the broader committee, that there is such bipartisan agreement on how to approach this fight. I think a lot of times the national focus is on where we disagree as parties when, in fact, there is an enormous amount of agreement on critical pieces of how we need to proceed with this. So I appreciate Mrs. DRAKE's bringing this resolution to the floor so we can talk about that, and I look forward to working with her and all the members of the committee in a bipartisan fashion to move forward on these issues.

Mr. MCINTYRE. Mr. Speaker, I rise today in support of the commitment, dedication and sacrifice of the men, women and the extended family of the Special Operations Command (SOCOM).

This week marks the 20-year anniversary of the Command's establishment, and I am pleased to support H. Res. 305, which honors the 53,000 soldiers, sailors, airmen, Marines, and civilians that comprise the Nation's special operations forces community.

As one of the founders and Co-Chairman of the House Special Operations Forces (SOF) Caucus, I know firsthand how important these warriors are to our military efforts. During my tenure in Congress, I have represented all or parts of Fort Bragg, which is home to the U.S. Army Special Operations Command and the Joint Special Operations Command—vital components of the U.S. Special Operations Command. I have also represented Camp Lejeune, which is now home to the Marine Special Operations Command.

As you know, the Special Operations Command, which was established on April 16, 1987, is unique—it ensures joint training, equipping, planning and operations of our SOF forces. Before 1987, U.S. Special Operations Forces operated on an impromptu basis and were often used to the point of exhaustion and then disbanded once a specific crisis had passed. Since then, however, they have participated in a wide range of global military operations, including peacetime engagement and a major theater war, Operation Desert Storm.

Today, our SOF forces are embedded in the most important operation since their inception—the Global War on Terrorism. Their core tasks include counter-terrorism, counter-proliferation of Weapons of Mass Destruction, special reconnaissance, psychological and information operations, civil-military operations and unconventional warfare.

SOF forces are truly at the forefront of our current military operations, and, it is important that we draw our attention to them today and recognize their tremendous efforts and sacrifices, including leaving their families and friends for deployments to several countries throughout the world at months at a time. As a member of the U.S. House Armed Services Committee Subcommittee on Terrorism and Unconventional Threats, which has jurisdiction over our SOF forces, I am committed to ensuring that we do our part to meet the needs of our special operators and the officials who are charged with leading them into the battlefield. It is essential that we recognize and support their efforts, and I am confident that this resolution does just that!

Thank you Mr. Speaker, may God bless you and our fine men and women who serve in our Special Operations Forces.

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to the premiere component of today's forces, our Nation's Special Forces including soldiers, sailors and marines. These are the forces we turn to when we must do the impossible, do it quietly, and do it smartly. I am proud to commend them on their 20th year of service to this Nation.

Our Special Forces were born of necessity in the aftermath of the aborted military operation attempting to rescue American hostages held in Iran. Since that time, they have been the very tip of our spear; they are the first forces to go into the dangerous places, and it is upon their resilience and brilliance that rest our success or failure in the early going of any operation to which we have committed our military forces.

The past 25 years have seen a marked shift in the operational spectrum of threats, and Special Ops is our answer to unconventional warfare, counterterrorism, counterinsurgency, strategic reconnaissance, civil-military operations, psychological operations, humanitarian assistance and search and rescue.

Special Forces are so important to the current conflicts in which we are engaged, they are the lead combatant command, covering both wars.

Special Forces is populated with many individuals recognized for distinction and valor, including 48 Congressional Medals of Honor. While bombs and bullets are our blunt force, the Special Forces is our scalpel. They are forged in four common truths: Humans are more important than hardware; Special Forces cannot be mass-produced; quality is better than quantity; and capable Special Forces cannot be created after an emergency.

Today we honor that mindset, and thank these Special Forces for their leadership and bravery. We also honor their families, who offer them tremendous support while they are deployed.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 305, which honors the 53,000 soldiers, sailors, airmen, Marines, and civilians that comprise the Nation's Special Operations Forces community. This week marks the 20th anniversary of the Command's founding on April 16, 1987, at congressional direction, pursuant to passage of the Goldwater-Nichols Defense Reorganization Act of 1986. The unique structure of the Command ensures joint training, equipping, planning, and operations. Special Operations Forces personnel are currently executing their duties in over 50 nations throughout the world.

The Special Operations Command was created following a congressional assessment of the unsuccessful attempt to rescue 53 American hostages held in Iran in 1980. Among the major shortcomings identified was the inability of the military to operate effectively in a joint manner, particularly due to differences in equipment and lack of coordinated training. This deficiency was directly addressed by the establishment of the Special Operations Command, which allowed for the creation of a truly joint force with the authority to organize, train, and equip for complex national security challenges.

The Special Operations Command currently consists of over 53,000 individuals, including Army Special Forces personnel, Air Force Special Operations personnel, U.S. Navy SEALs, and Marine Special Operators. Its core tasks include counter-terrorism, counter-proliferation of weapons of mass destruction, foreign internal defense, special reconnaissance, direct action, psychological and information operations, civil-military operations, unconventional warfare, and the "synchronization" of the war against terrorism.

I fully support the Command's ongoing commitment to its primary focus of neutralizing terrorists and destroying their associated networks. The Command should be encouraged and fully resourced to balance its focus between "direct" and "indirect" action—or between the "kinetic" mission and the effort to "win the hearts and minds." I also believe that greater emphasis should be afforded to humanitarian and counter-insurgency missions.

I sincerely appreciate the efforts and sacrifices of the 53,000 soldiers, sailors, airmen, Marines, and civilians that comprise the Nation's Special Operations Forces community. I urge all my colleagues to join me in supporting the 53,000 brave men and women who risk their lives in the most dangerous of missions to preserve our freedom. Vote aye on H. Res. 305.

Mr. SMITH of Washington. Mr. Speaker, I'm proud to work with Representative DRAKE to mark the 20th anniversary of founding of the Special Operations Command.

Congress established SOCOM on April 16, 1987 in response to the failure of the Desert One mission to rescue American hostages in Iran. We learned two main lessons from Desert One. First, we needed a better joint command structure; our military was too divided and did not work well together, due to a lack of interoperable equipment and a lack of familiarity and joint training among the various branches. Second, we lacked forces trained for these kinds of missions. The establishment of SOCOM was meant to address these shortcomings.

SOCOM has been a fabulous success. We have roughly 53,000 special operations personnel operating in more than 50 countries around the world, taking direct action to counter terrorists and working with local populations to prevent terrorists from taking root.

I am especially proud of the three special operations force components housed in the 9th District of Washington: the Army 1st Special Forces Group (Airborne) and the Army 160th Special Operations Aviation Regiment (SOAR)—4th Battalion at Fort Lewis and the Air Force 22nd Special Tactics Squadron at McChord Air Force Base. I've also been able to visit several other components of our special operations forces across the country and

around the world, and they are doing a fantastic job.

Going forward, we need more special operations forces to fight the spread of the totalitarian ideology pushed by al-Qaeda and related groups. Consistent with the 2006 Quadrennial Defense Review, we will seek to grow SOCOM forces by 15 percent. We will not sacrifice quality for quantity, but we must have the capability to train more special operations forces to face complex national security challenges.

And, we must ensure proper emphasis on indirect action. Often when people think of special operations, they think of direct action against terrorists. But much of SOCOM's mission involves less dramatic but essential work. Special operations forces are currently working in well over a dozen countries to prevent al-Qaeda and other organizations from taking root. They train locals to defend themselves and help local populations improve their living situations so that they are less susceptible to terrorist recruitment.

Getting to know local populations, learning the languages, becoming helpful to them—these steps are vital to preventing insurgencies and terrorist groups from taking hold. We recently heard from a special operations veteran who told us that the most helpful counter-terrorism tool his force brought with them in North Africa was a dentist. The population needed this service so badly that our providing it led to them working with us to root out terrorists in the area. This kind of work to win the hearts and minds of local populations is essential if we are to defeat the spread of al-Qaeda's message across the globe. That's why we in Congress must ensure that SOCOM is resourced and structured properly to sufficiently emphasize and effectively carry out this critical indirect work.

I want to thank the members from both parties on the terrorism subcommittee of the House Armed Services Committee for their work to make sure our special operations forces have the tools they need to protect our country. I want to especially thank Ranking Member MAC THORBERRY and Representative THELMA DRAKE for their hard work on this important resolution.

Mr. SMITH of Washington. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ENGEL). The question is on the motion offered by the gentleman from Washington (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 305.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### PROVIDING FOR CONSIDERATION OF H.R. 1257, SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION ACT

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 301 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 301

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1257) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII in a daily issue dated April 17, 2007, or earlier and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 2. During consideration in the House of H.R. 1257 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 1 hour.

□ 1220

#### GENERAL LEAVE

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 301.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

Mr. Speaker, H. Res. 301 is an open rule with a preprinting requirement providing for the consideration of H.R.

1257, the Shareholder Vote on Executive Compensation Act. The rule provides 1 hour of general debate, controlled by the Committee on Financial Services. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule makes in order the Committee on Financial Services amendment in the nature of a substitute as an original bill for the purpose of amendment, which shall be considered as read. The rule requires that any amendments to the bill must be preprinted in the CONGRESSIONAL RECORD on or before Tuesday, April 17, 2007. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, I rise today in support of this open rule. This is a good, appropriate rule that allows any germane amendment to be debated and voted on by this body, as long as that amendment was preprinted in the CONGRESSIONAL RECORD. This rule is appropriate because it allows for real debate and for up or down votes on matters related to this bill. I believe this is a good process, and I want to commend both Chairman FRANK and Ranking Member BACHUS for requesting this rule and for testifying in support of this rule in the Rules Committee yesterday.

I also rise in support of the underlying legislation. The purpose of this bill is straightforward. H.R. 1257, the Shareholder Vote on Executive Compensation Act, allows for shareholders of a publicly traded corporation to conduct annual nonbinding advisory votes on the compensation of the corporation's executives. Basically, this bill would allow the shareholders, those with the most vested interests, to express their approval or disapproval of a company's compensation practices.

Let me be clear. This bill does not force a company to accede to the vote, nor does it overrule a decision by the board of directors of a corporation. Instead, it allows the shareholders to demonstrate their public approval or disapproval of a corporation's compensation practices. The bill does not allow shareholders to set caps on the size or nature of executive compensation.

By allowing for an annual vote by shareholders, H.R. 1257 goes one step beyond the recently enacted regulation by the Securities and Exchange Commission, which only requires that the amount in executive compensation be disclosed.

Mr. Speaker, this legislation would require public companies to include this nonbinding shareholder vote in their annual proxy statement to shareholders. An additional nonbinding advisory would also be provided to shareholders if the company awards a new compensation package while simultaneously negotiating the purchase or sale of the company.

By taking this step, H.R. 1257 increases accountability, and also enables the SEC to better monitor the ex-

ecutive compensation practices of corporations. I hope that my former colleague from California, Chris Cox, now the Commissioner of the SEC, feels encouraged by this legislation and works toward further protecting shareholder rights.

Over the past year, CEOs of major corporations have received multimillion-dollar severance packages, despite falling stocks and market share drops during their tenures. These so-called "golden parachutes" highlight the disparity between shareholders' rights and executive compensation oversight.

In addition to neglecting shareholders' interests, current executive compensation practices actually hurt the long-term corporate value of a company. Unprecedented growth in executive compensation over the past two decades has taken money out of the pockets of shareholders and compromised the long-term interests of too many companies.

According to the Corporate Library, in 2006, the average CEO of a Standard and Poor's 500 company received \$14.78 million in compensation. It is only fair that the shareholders, the people who actually foot the bill for severance packages, have the opportunity to express their support or disapproval of their company's executive compensation.

H.R. 1257 empowers shareholders and complements the SEC's current regulations regarding executive compensation.

Mr. Speaker, I urge my colleagues to support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to this rule and to the underlying legislation, which I think constitutes an unnecessary and unwarranted Federal intrusion into the free enterprise system and the private sector. The legislation that the Democrat majority has brought to the House today would create a new Federal mandate on publicly held companies, but does so in a half-hearted way that would have absolutely no practical impact on its purported goal of improving disclosure and addressing "excessive" executive compensation.

The Democrats' Shareholder Vote on Executive Compensation Act would force every publicly held company to bear the costs of administering a toothless, nonbinding shareholder vote on pay packages of its highest compensated officials during every proxy vote. It is unclear, however, what the outcome of this vote, which under current rules could already happen today at any publicly held company, would mean for the company, the board of directors, executives or the shareholders.

Yesterday in the Rules Committee, Chairman BARNEY FRANK testified that this vote was not intended to create a

new fiduciary responsibility for board members. Even if a majority of shareholders agreed that a company's executives were being compensated too generously, there are no provisions in this legislation to obligate a board to comply with this decision.

So if a board does choose to ignore an affirmative vote, again according to Chairman FRANK's testimony in the Rules Committee, since there is no fiduciary responsibility and no private right of action created by this new mandatory shareholder vote, there is no legal recourse provided in this bill for shareholders to force board compliance.

So rather than demonstrating the courage of their convictions that executive pay is wildly out of control in this country and that shareholders should be able to rein it in unilaterally through a ballot process, Democrats have chosen to bring legislation to the floor today, forcing private entities to take an action that they are already capable of taking by their very own nature. But this would make this new mandatory vote little more than a weak "sense of the shareholder" resolution that can be simply ignored by a board with impunity.

I am also extremely surprised, Mr. Speaker, by the Democrat leadership's recent conversion to the merits of democracy in determining an organization's actions. Less than 2 months ago, this same leadership brought to the floor legislation that strips American workers of their right to use a secret ballot to decide whether or not to unionize and provides for unprecedented intimidation of employees by union bosses under a fundamentally antidemocratic process known as "card check." But I suppose the Democrats' new-found selective commitment to democratic principles is better late than never.

The reality is that shareholders already have a democratic option available to them if they think that a board is shirking its fiduciary responsibilities to investors. They can sell their shares and vote with their dollars. This is a basic principle of how markets work in a free enterprise system, and it has been the steadfast commitment to principles like these that has made the American economy the envy of the world over the last decade, even while economies across Europe have stagnated and shrunk.

Mr. Speaker, Mr. FRANK has represented to the House that the real aim of this legislation is not to create a new class of lawsuits for the trial bar to exploit, and I take him at his word. But that leaves only one sensible explanation for why the Democrat majority would bring such a toothless bill to the floor of the House today, and that is to provide outsiders, such as Big Labor bosses, environmentalists and so-called "consumer activists," with a new avenue to criticize the management of corporations and to compel boards to do their bidding.

□ 1230

Information about executive compensation is already fully disclosed to investors, who have every opportunity to determine whether or not it is too generous before becoming an owner of a listed security. And under this bill, even if they decide that it is too generous, the legislation contains no enforcement mechanism. This legislation simply provides a foot in the door for outside organizations to try to bully boards of directors in hopes of weakening management and gaining concessions down the road. This bill does nothing to improve corporate governance. It does nothing to improve board decision-making or increase shareholder value. That is why I have submitted an amendment that would force any person or organization who spends a significant sum on trying to influence the outcome of this new mandatory vote to disclose who they are, how much they have spent and on what activities so that investors can have a full picture of who is trying to influence them in this decision-making process.

While I think this amendment would improve a misguided bill, I am not holding my breath at all that the majority party will join me in standing up for increased transparency. But who knows? Today we learned that they have radically changed their opinion on the merits of secret ballots, so perhaps they will stand up for transparency in proxy vote influence-peddling also.

Mr. Speaker, I oppose this rule and the weak underlying "sense of the shareholder" legislation. Congress can do better than this. And rather than mimicking the interventionist economic policies of Europe, I believe we should reject this legislation and stand up for what sets our economy apart and has spurred our continued economic and job growth while others sank, which would be a commitment to free markets and an understanding that when given information, investors can make good decisions on their own.

Mr. Speaker, I stand up for the free enterprise system and the American way of doing business.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, again I would remind my colleagues that this is an open rule that allowed every Member of this House to be able to offer an amendment if that Member so desired. In fact, as the gentleman from Texas pointed out, he himself will be offering an amendment. And so I think this rule deserves support.

I should point out for the record that when the gentleman's party, the Republican Party, was in the majority here, that even though I was on the Rules Committee, routinely Members were denied the right to even offer their amendments. There were 13 Members who have decided to offer amendments. Ten of them are Republican. I think this is a fair process and this rule deserves support.

Having said that, I would like to yield 4 minutes to the distinguished gentlewoman from Florida (Ms. CASTOR), a member of the Rules Committee.

Ms. CASTOR. I thank my distinguished colleague from the Rules Committee for yielding time.

Mr. Speaker, I urge support of H.R. 1257 to provide a reality check to the skyrocketing compensation of CEOs of corporations across America. From 1995 to 2005, average CEO pay increased five times faster than that of the average worker. The American people understand the growing disparities in earnings in our country. The average CEO makes more money before lunch than the average worker earns all year. So today I urge my colleagues to bring a measure of accountability to the boardroom by allowing shareholders to voice their opinions in a meaningful way about the multimillion-dollar paydays of their CEOs.

Last week, one of my hometown newspapers, the St. Petersburg Times, reported on "Corporate Paydays That Boggle the Mind." They reported that in one of the richest corporate paydays ever, the CEO of oil company Occidental Petroleum Corporation received a total compensation package last year of \$416 million. These record profits and paydays at a time when my neighbors and the American people are paying record prices at the gas pump highlights the need for a new direction in this country for energy policy.

Similarly, record profits and paydays at HMO and pharmaceutical companies raise red flags at a time when patients and doctors and hospitals have lost control to many of the Bush privatization schemes in our health care system. The new Democratic Congress passed legislation fortunately during the first 100 hours to require the negotiation of the Medicare part D drug price benefit. This is very important. It's un-American to block the negotiation of fair prices under Medicare part D.

What I hear from my seniors back home is that they want Medicare part D to be simpler so that it works for them, so that it works for our seniors and it works for our taxpayers and not simply benefit the HMOs, the big drug companies and their CEOs for these large corporate paydays.

So, Mr. Speaker, I urge support of this rule and this bill to allow shareholders to send a message about corporate paydays that boggle the mind and bring a measure of accountability to our American boardrooms.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 5 minutes to the ranking member of the Committee on Financial Services, the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I take this opportunity on the rule to simply clarify what we're debating here today.

Now, we are not debating executive compensation, because the Congress does not set executive compensation.

There have been many examples just in the past month or two of what we would judge to be outrageous CEO pay packages. There have been many occasions when our constituents have said to us, isn't that \$200 million going to some executive, isn't that outrageous? People hear about these pay packages which, quite frankly, I'm not here to defend. One thing they say is, you know, are the shareholders being taken advantage of? Are the rank and file being taken advantage of? And in many cases, the answer is probably "yes." There is no justification for many of these pay packages, these executive pay packages. Sometimes they are based on performance and value added to the corporation and to the shareholders and to the employees, but many times they're not. Many times they're not linked to performance.

Now, having said that, why would I have said that and then come down and oppose this legislation? Because, in fact, this is a mandate. This is Congress beginning to intrude on corporations.

Now, many of my colleagues on the other side would say, this is a non-binding resolution. But it is a mandated resolution. If we pass this resolution, every publicly traded corporation, both large and small, the shareholders in those corporations must take a position on corporate executive pay for every top executive. In every case, every shareholder must vote on every executive and say your compensation is adequate or it's not. It's not justified.

How many times has this Congress substituted its judgment for the American people? For people in business? And that is again what we're doing by telling shareholders you must have this vote. This is a mandate.

Now, there is another reason that we ought to oppose this. Congress should never rush in and begin to change the free enterprise system, our system of competition between companies. What we have required through the SEC in the last year and we just now mandated this and to come back now with something more intrusive until we see that it works is our instruction and the SEC's instruction to public corporations that you must publish the pay, the salary, the compensation, the perks, the benefits that you give your top corporate executives.

□ 1240

And the reason we did that is, once that's published and shareholders know exactly what these top executives are doing, shareholders have the right today. And today they can bring a motion before the corporation, and if the majority of shareholders agree, they can take a position on executive compensation.

Now, that is not something we oppose, and in many cases these corporations are doing it. Morgan Stanley, just last week, the shareholders came forward with a proposal the shareholders took to do exactly what this



resolution wants to do. And guess what? The shareholders at Morgan Stanley said "no"; the majority of shareholders said "no," we are not going to get involved in something that might affect the excellent performance of this company, of this corporation.

We have had a system of corporate governance that is second to none in the world. It has made us the leader in the free world. It has evolved over centuries. It has involved over decades. It is part of our statutes.

Let me say this. The gentleman from Mississippi, the gentlelady from Florida, you have come up and you have said, look at some of these outrageous pay packages. I agree with you, I agree with you. I have picked up the paper. I have said, what is going on here.

But let me say, on many occasions I have picked up the paper a month later and seen where shareholders acted to address these issues. But let me say this, how many times have we been approached by constituents and we have said, well, when that law was passed, we didn't intend to do this, it wasn't our intention to do this. Unintended consequences.

Let me tell you something. When Congress becomes a second-guesser and a judge of executive pay for every corporation in America, every public corporation, ladies and gentlemen, we are getting on a slippery slope.

Mr. MCGOVERN. Mr. Speaker, at this time I would like to yield 10 minutes to the gentleman from Massachusetts, the distinguished chairman of the Financial Services Committee (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the gentleman and the Rules Committee for bringing forward an open rule.

I often disagree with my colleagues on the other side, but I have rarely before been as baffled by the illogic of their argument as I am today. I do not recall the last time I heard such a hodgepodge of inconsistency and inaccuracy.

This is a bill that has been condemned for being, A, bullying and intrusive, and B, toothless. The toothless bully is, I guess, a new concept. In fact, let me begin with this denigration of the notion of nonbinding resolution.

The gentleman from Texas kind of slipped, I think, when he said "the sense of shareholder resolution." In fact, we spend much of our time passing nonbinding resolutions. Members who think nonbinding resolutions are a waste of time probably should just show up on Wednesday because that is all we do generally on Mondays and Tuesdays, although we are doing more since we have taken over.

But let's get to more of the substantive mistakes. My friend from Alabama said we would be second-guessing every corporate salary. Of course not. That isn't even remotely close to being even partially true. We have deliberately said it is not our job to say what the salary should be. We are em-

powering the shareholders to voice their opinion.

Now, I will acknowledge at the outset, if a board of directors sees a vote and the majority of the shareholders vote "no" and they decide to vote "yes," the board has that right. I doubt that the board would do that much. In fact, I would not impute to the boards of directors what my colleagues impute to them, a contempt for the views of shareholders. There may be individual cases where shareholders didn't understand certain things, new events may have intervened. But, no, I do not believe that as a general rule people on the board of directors will ignore shareholders.

And by the way, we are talking about the shareholders, and I know the gentleman from Texas said they are outsiders, they are activists, as loathsome a word as the rules of the House will allow as he would use it. They own shares. They are the owners of the companies. What a denigration of the people who are in other contexts the fountain of all wisdom. We are told the market is, after all, the best source of wisdom.

The former majority leader from Texas used to say, governments are dumb; markets are smart, markets work well. Well, who is the market? The market consists of the people who own the shares in this case. How did they become so dumb when it comes to deciding how to pay for the people that work for them?

And we are told, okay, if they don't like it, they can sell their shares. What a concept of ownership. I mean, these are the people, many of them who are outraged at the eminent domain issue. What they are saying is, if you have owned shares in a company for a while, you have made your decision that this is the best way to diversify your portfolio, and then some board makes a decision with which you disagree, that you think may hurt the company, sell your shares. What kind of a denigration of the notion of ownership is that?

There are, of course, people who will tell you, wait a minute, what if I believe when Home Depot, for instance, did what it did with Nardelli, it had a very negative effect on people's perception of the company. One of the very decisions you disagreed with led to a drop in the value of the shares because the market said, why did they do that. Should you then sell your shares and be forced to take a loss or take corrective action and restore the value to your shares? That is what we are talking about. It is very simple.

And then the oddest one of all is, how dare we interfere with corporations? Corporations are artificial creations of positive law. God made no corporations. No corporations evolved. I will be neutral on that subject. Corporations exist because the law of a jurisdiction creates them. It creates them to give them certain advantages, certain immunities, et cetera.

Of course, the government tells corporations what the rules are. This no-

tion that we are interfering with corporations is nonsensical. They exist according to positive law. And the law says, you must do this, you may not do that. That is what corporations are.

And now the gentleman will say, oh, well, look what the SEC did, we don't have to get involved. What the Securities and Exchange Commission did was very intrusive. And the gentleman said, well, the corporation can do that if they want to; they could have published the salaries if they wanted to. The Securities and Exchange Commission said, we mandate you to print these salaries.

And by the way, to the extent that there is an expense, it is much more in what the SEC did than in what we did. CBO has concurred, there is zero, maybe 8 cents expense here. The SEC has already mandated that the corporations print in the proxy form all this information. We mandate that they add a box, "yes or no."

And then my friend from Alabama, great civil libertarian, but on this one I think he may have gotten a little too extreme in his civil libertarian zeal, he said, we are making the shareholders vote. It sounded like he said we are standing over those poor shareholders with a whip and making them vote. Well, in the first place, we are not. Abstention remains an option for shareholders.

Secondly, the argument is, well, they already have that right, some of them. No, they don't in every case. There are corporations that have refused to allow it. AT&T was just ordered by the Securities and Exchange Commission to allow this procedure, but it was a case-by-case issue. It is not a general rule. So the SEC that you defend just ordered AT&T to do this, they just intruded, as is their right; but there is not a general principle.

Shareholders do not have a right to have this vote on executive compensation. And this bill simply says, the people who own the company take what the SEC has mandated they put forward, has a right to vote on it. Now we are told, and the gentleman from Texas, in a stirring peroration, said he stood for truth, justice, the American way, et cetera; and said, let's reject the European effort.

Well, this is not a general European practice, it is a practice in England, what we are talking about. There is a committee that is known as the Paulson Committee, because it was inspired by Secretary of the Treasury Paulson, chaired by Professor Scott of Harvard. There was the McKenzie report, done by Mayor Bloomberg, strongly supported by the Chamber of Commerce and all the financial groups. They have said to us, can't you guys be more like England in your regulation of corporations?

Listen to the debate going on right now over relations of corporations in America. We are being told that the



model is the British model, the Financial Services authority. This is Secretary Paulson's committee that said it, this is the Chamber of Commerce.

Yes, the English do do this, it is not a big continental thing. But if, in fact, you think we should be very careful never to do anything because the English are doing it, then where is the repudiation of the McKenzie report and the Paulson Committee report which have urged the SEC to follow the model of Financial Services.

□ 1250

In fact, it is very straightforward. Here is the problem. Why do normally coherent Members talk in less than coherent form about this, making contradictory arguments, ignoring reality?

Here is the deal. My friend from Alabama said, I am not here to defend CEO salaries. But in fact he is, because what this bill says is, the shareholders, not the outsiders, not those evil activists, not those lurking labor agitators, people who own shares. And, by the way, this is strongly supported by the leaders of institutional shareholders, large pension funds, The Corporate Library. Shareholder groups are in favor of this. And it says that people who own the shares should be able to vote in an advisory capacity on whether they think the compensation is too much or too little.

Now, the fact is that the gentleman from Alabama said there have been outrageous examples of excessive compensation. It is going up in general to the point where it is a record problem, and he says he is not here to defend them. He is not here to defend them verbally, he is just here to defend them parliamentarily, because if this bill dies, then they are totally unimpeded. And Members have said, don't rush in. Well, these salaries have been going up for a long time, and this is a long-time trend. So if not this, what do you do? It is true, the SEC went to the limits of its power.

Mr. BACHUS. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Alabama.

Mr. BACHUS. Let me clarify something. I believe, in addressing the Speaker, and I respect the chairman, you have allowed debate on this, you have been very gracious. But I believe that in addressing the Speaker, you mentioned that we passed nonbinding resolutions all the time.

Mr. FRANK of Massachusetts. In the House. Yes, sir.

Mr. BACHUS. And that this was a nonbinding resolution.

But I believe this actually is not a nonbinding resolution.

Mr. FRANK of Massachusetts. The gentleman misunderstands my point, and I will correct it. I am taking back my time. I was not referring to the gentleman's de facto defense of the salary; I was referring to the gentleman from Texas' statement.

He denigrated the product of this legislation because it would produce a nonbinding resolution. In fact, he sneered at it as a sense of the stockholder, sense of the shareholder resolution. And my point was aimed at his argument that the notion of a sense of the resolution is meaningless would invalidate a lot of what we do. So that is the issue I was making.

Let me just say in closing, Members on the other side sometimes get separation anxiety when they are forced to differentiate themselves from particular corporate abuses. They brought themselves to do it with Sarbanes-Oxley, but they are having in various ways buyer's remorse there, I think excessive buyer's remorse.

Members say we don't like corporate excesses, but we can't do anything about it.

Well, no, Congress should not substitute its judgment for the market, Congress should not set the salaries. What Congress can do is to empower the shareholders who own the companies to express their opinion. It is not a right that the shareholders uniformly have now. It is Congress in exercise of the legislative power to set the rules for corporations, which is inherent in the nature of corporations saying that on this one issue; and by the way, one reason for singling them out is, there is reason to believe that the relationship between the boards of directors and CEOs is not sufficiently arm's length for the decision to be left entirely to the board without input.

It doesn't mean you take the decision away from the board elsewhere. It simply says there have been excesses in corporation compensation, we think it would be helpful if the shareholders could give an advisory vote.

There is really no good argument against it, and that is why we have heard arguments against that aren't very good, that aren't very logical, that aren't based in reality. That is all we are voting on.

And in the absence of this bill, Members can then take credit for continuing to enable salaries paid to the top executives to go up and up and up. And if you are a shareholder of a corporation and you think that is a mistake and you think that is damaging, you have the option, we are told, of selling your shares at a loss, of being excluded from an investment decision that you think is in your interest. That is not acceptable.

Mr. SESSIONS. Mr. Speaker, I do appreciate the gentleman from Massachusetts speaking so clearly about what is happening. I would clarify my words and say to the gentleman, I do believe that it would be appropriate to have anyone who is attempting to influence an outcome of a vote, that they should have a requirement upon them to identify themselves, to state how much money they are spending and the activities that they are engaged in. And I think that that is full disclosure also about the activities that could

take place under this new nonbinding resolution that we are attempting to pass.

Mr. Speaker, at this time, I would yield 5 minutes to the ranking member of the Rules Committee, the gentleman from San Dimas, California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my friend from Dallas and thank him for his superb management of this rule on our side.

As I listen to the arguments proffered by my colleagues on the other side of the aisle, including the distinguished Chair of the committee, the conclusion that I have drawn here is, we have here a solution that is really looking for a problem.

I continue to hear great praise for the action that our former colleague Chris Cox, the now chairman of the Securities and Exchange Commission, has taken in doing something that we regularly called for in this institution when it comes to our work here: transparency, disclosure, and accountability.

Under this regulation that has been promulgated by the Securities and Exchange Commission, it calls for full disclosure of the compensation packages for the top five executives. What it means is, we are empowering shareholders and any other interested party with more information, with a better understanding of what it is that we are trying to deal with here.

So why now, after the Securities and Exchange Commission has done what the chairman of the Financial Services Committee, Mr. FRANK, has just said is actually going beyond what it is that we are doing, why do we need to take action here in this institution on this issue?

Now, while I know that my friend from Massachusetts and my friend from Alabama, the distinguished chairman of the committee and the ranking member, had this exchange on nonbinding resolutions and the impact that this might have, I think most have concluded that there is a very deleterious potential impact that this legislation could have; and that is, it quite possibly will dramatically enhance the number of potentially frivolous lawsuits being brought forward by shareholders.

Now, I find that very troubling in light of the fact that we have in a bipartisan way in the past been able to pass legislation which has been trying to focus on the tremendous cost burden that is imposed on the American consumers, shareholders, taxpayers, all the way across the board, with the number of frivolous lawsuits that we have seen. And, again, we want very much to see the market run its course on this issue.

I think that this is bad legislation. I think it is poorly crafted. And I think, again, based on the action that the Securities and Exchange Commission has taken, let's see how that works. Let's let it go into place. Let's let the entity

which has responsibility for this deal with it, see them work and see this information come forward, and see if we still have what is seen by many to be a problem.

I also argue that as we look at these compensation packages that have existed, and there are a heck of a lot more than any of us in this body make, that is for darn sure, but the fact of the matter is, these are decisions that boards of directors make. And one of the precious rights that we have as American citizens is the right not to own a stock. There is no one that I know on the face of the Earth who is compelled to purchase a share of stock, and I think that the right not to own a stock is a precious one.

And, you know, if I don't like the decision that the CEO of a company that I own a stock in or that the board of directors of that company makes, you know what, I will sell that stock. And I am happy to sell that stock, and that is my right to do it. If I don't like the decision that a board of directors has made, a decision that a board of directors has made when it comes to compensation for their executives, if that really is driving me and I am convinced that the stock should be much higher, I will sell it. So I believe that it is a real mistake for us to make this kind of overreach.

And, Mr. Speaker, I also have to say that I am very troubled with what we are seeing here now as the new definition for rules that have come forward. Now, I entered into the RECORD of the Rules Committee last evening back to the 103rd Congress when our distinguished former colleague, Joe Moakley, was chairman of the committee and he had in his survey of activities of the Rules Committee the definition of rules. This rule that has come forward is defined as an open rule with a preprinting requirement, but, Mr. Speaker, it is much more than that.

□ 1300

Traditionally, an open rule that has a preprinting requirement has been known under Democratic and Republican Congresses as a modified open rule. Our colleagues, in their quest to say that they have had more and more open rules, have redefined what an open rule is, but the thing that troubles me is not just that they have done that. But they, by passage of this rule, have actually prevented Members of Congress from being able to participate in this under an open amendment process.

Why? The majority leader has apparently announced that we are going today to begin consideration of this shareholder bill, and then we are going to consider it on Friday. So what it means is, as we proceed with the amendment process today, Mr. Speaker, unfortunately what we are doing is we are saying to Members of the House of Representatives who want to amend this bill on Friday that any amendment that they might be offering had

to have been printed in the CONGRESSIONAL RECORD last night, 3 days before the measure is considered on the floor, and they are trying to define that as an open amendment process.

Mr. Speaker, if it looks like a duck and walks like a duck and talks like a duck, it is a duck. And you know what? This is not an open rule.

I urge my colleagues to oppose the rule and to oppose the underlying legislation.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first of all say that I apologize to the gentleman from California, the former distinguished chairman of the Rules Committee, for this open rule. I guess he is upset that 13 Members have decided to offer amendments. They have known about this bill, by the way, for close to 3 weeks. So 13 Members, 10 of them Republican, have decided to put forward amendments that will be debated and considered on this floor, including the distinguished gentleman from Texas (Mr. SESSIONS).

I do not know whether the gentleman from California wants me to apologize to Mr. SESSIONS and the other Republicans for allowing their amendments to be made in order, but the bottom line is, what we are trying to do is break the trend that existed in the Rules Committee when they were in charge, which is that nobody would be allowed to offer amendments on the floor.

One of the things that this leadership has promised is a more open process, a process that is more fair, and that is what we are trying to do today. There are 13 amendments that have been pre-filed. They will all be considered on the floor unless the people who printed those amendments do not want to offer them. That is a fair process.

As somebody who sat on the Rules Committee for many years and who routinely saw closed rules reported under that committee with not a peep from anybody on that side, it is a little bit hard to digest this whining over an open process. I guess my colleagues on the other side of the aisle object to the fact that Members should have a right to read an amendment that they are going to vote on. I can understand that because they would routinely bring huge bills, hundreds of pages in length, to the floor without giving anybody in this Chamber the opportunity to read them. Those practices hopefully are over for good.

This is a fair rule. This is an open rule, and I urge my colleagues to support it.

At this point, let me inquire from the gentleman from Texas whether or not he has any additional speakers, because at this point, I am the last one on this side.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman for the inquiry. At this time, we have one additional speaker.

Mr. MCGOVERN. I would let the gentleman proceed, and I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank my good friend from Texas for yielding and for his leadership on this issue.

I would like to just comment about both the rule and the bill; and, Mr. Speaker, I come to the floor today to just tell you that Orwellian democracy continues to be alive and well here in the House Chamber.

Our good friends on the other side of the aisle seem to think that, if they just say something, that it is, that their action does not make any difference. This is the open rule that is not. That is what this is.

Because what we have, as my good friend from California described, is in fact a modified open rule. What has occurred with this rule is that there is a requirement for pre-filing amendments to this bill, and in fact, the pre-filing had to occur about 72 hours before the final portion of the bill will be voted upon. That is not an open rule, Mr. Speaker.

An open rule is when the bill comes to the floor and anybody who has an idea and wants to offer an amendment is allowed to offer an amendment. Why is that important? Well, that is important because each of us represents a certain number of constituents around this Nation, and at some point, each of us may have a better idea about how the bill ought to progress through the process.

But right now, what has happened is, unless we had that idea 2 days ago, yesterday, then it is not able to be entertained. So this is not an open rule.

I would ask my friends in the majority party: What are you afraid of? What are you afraid of? What amendment is it that you are afraid of that might be brought to the floor that is so dangerous to the American people that you do not want to even talk about it? That is what I would ask.

Mr. Speaker, my good friend from Massachusetts says that he thinks it is important for people to be able to read amendments and read bills. Well, we do, too, but that is provided for in the rules. That is provided for in the rules. This rule does not address that. The fact that somebody might bring an amendment to the floor under a truly open rule would not affect that at all.

So he also asked whether he should apologize to the gentleman from California for having what he described as an open rule. No, Mr. Speaker, I would suggest that he apologize to the American people for not carrying out the responsibility of democracy in this Chamber.

So this is not an open rule. This is the open rule that was not, and it is important for the American people to appreciate that.

I do want to mention a couple of items about the merits of the bill itself. We all had an opportunity to be home for the past 2 weeks. This was

one issue that constituents in my district wanted to talk about. They wanted to talk about whether or not it was appropriate for Washington to insert itself into the compensation for CEOs in this Nation.

Many people, I being one of them, are confused and concerned about some of the compensation that major CEOs are getting in this Nation, but everybody in my district appreciates and understands that the place to solve that problem is not Washington, DC. In fact, that is the last place that you want this problem to be solved because Washington, DC, cannot respond in a nimble enough fashion to be able to do so. In fact, there will be significant, unintended consequences, I would suggest, Mr. Speaker.

As you know, the challenges that all businesses have across this Nation are encumbered by the taxation that they are required to pay by the exposure to litigation and, yes, Mr. Speaker, by the regulations that come down from on high, and this will be another regulation. So what the majority party is doing is saying to our businesses across this Nation, our public companies across this Nation is, you have got another reason to go offshore; you have got another reason to take American jobs and remove them because we are going to make it too difficult for you to engage in your business here in America.

In fact, Mr. Speaker, what they are going to do is to make it so difficult for many businesses with their onerous regulations that not only will individuals take their businesses offshore, many of them will say it is just too much of a challenge to comply with all of your ridiculous regulations, so we will go private so that Americans all across this Nation will be precluded from participating in a greater way in the American Dream.

Mr. Speaker, this rule is a bad idea. The bill is a bad idea. Washington cannot solve this problem. You know that, and I urge my colleagues to oppose both.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if the gentleman from Georgia thinks this rule is such a bad idea, I hope that maybe he might reconsider offering the three amendments that he has pre-filed.

Let me just say for the record, because I think it is important to state this, the gentleman from Georgia just went on a rant, and in the previous Congress when his party was in control, in the entire Congress there was one open rule that was not an appropriation bill, one, and I do not recall a single instance when the gentleman from Georgia ever came to the floor and complained about that. I do not recall a single instance when the gentleman from Georgia or, quite frankly, anybody on the other side came to the floor and objected when the Republican-controlled Rules Committee waived the requirement that Members

have 3 days to be able to read a report before a bill was considered.

□ 1310

I don't remember a single instance when the gentleman from Georgia, or, quite frankly, anybody who we have heard complain today, ever came on the House floor and voted against a closed rule. They ran this place under the most restrictive closed process in the history of this Congress.

I think that needs to be said for the record because it goes to the point that I was making earlier that I don't understand what all the complaints are about. You have every Member who wanted to offer an amendment to this bill given the opportunity to do so.

They knew that this bill was coming 3 weeks in advance. They could have thought about it for 3 weeks, they could have instructed their staff during that period of 3 weeks to come up with something. Obviously, a number of people did, including the gentleman from Georgia, who has three amendments we are going to have to listen to.

Let me again urge my colleagues to support this rule. It is a fair rule. It is an open rule.

I am sorry if they don't like the fact that Members ought to have an opportunity to read amendments and read bills before they are voted on, but I think that is a fair thing to do. Of course, when they were in charge, they would routinely waive that right. But, you know, we will respect that.

Mr. Speaker, I reserve the balance of my time and would ask the gentleman from Texas if he has any additional speakers.

Mr. SESSIONS. In response to the gentleman at this time, I do not have any additional speakers. I would use this time for my close. I thank the gentleman for the inquiry.

Mr. Speaker, I think the point that would be taken here would follow those words that DAVID DREIER spoke on, and that is, we simply call things what they are honestly. We don't try to call things what they aren't. We follow the regular order of this House, as has been established, going back at least to the 103rd Congress when Mr. Moakley, the chairman of the Rules Committee, said, this is what we will call things, this is what an open rule is, this is what a modified rule is. That is the point we are trying to make today, that you should call something what it is.

At this time, I would like to include a statement of administration policy on this bill.

STATEMENT OF ADMINISTRATION POLICY—H.R. 1257—SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION ACT OF 2007

(REPRESENTATIVE FRANK (D) MASSACHUSETTS AND 27 COSPONSORS)

The Administration opposes H.R. 1257, which would require public companies to hold a separate advisory shareholder vote to approve the compensation of executives. The Administration does not believe that Congress should mandate the process by which executive compensation is approved.

The Administration supports full transparency to shareholders regarding executive compensation decisions. Recent enhancements in corporate governance and disclosure have strengthened the executive compensation decision-making process of boards of directors. Corporate governance changes have made boards more independent, including through the establishment of compensation committees composed solely of independent directors. In addition, as a result of the Securities and Exchange Commission's revised disclosure rules on executive compensation, which recently became effective, shareholders are receiving comprehensive information on executive compensation. Before additional corporate governance requirements are legislated, the Administration believes that recent enhancements should be given time to take effect.

The statement of the administration is quite succinct, and that is at the end of this statement it says "before additional corporate governance requirements are legislated, the administration believes that the recent enhancements should be given time to take effect. That is in reference to the SEC and what the SEC had done.

Mr. Speaker, I am asking Members to oppose the previous question so that I may amend the rule to make it a true, modified open rule. As the distinguished chairman of the Committee on Financial Services pointed out yesterday at the Rules Committee, he is expecting that consideration of the bill is likely to continue through the end of the week.

But under a normal modified open rule, Members would still be allowed to submit amendments for printing today or tomorrow so that they might be considered tomorrow or Friday. This restrictive rule severely limits the fluidity which traditional and modified open rules allow. This rule is not an open rule as it is currently drafted. It would not even be qualified as a modified open rule. This is a restrictive rule.

Mr. Speaker, I ask unanimous consent that the text of the amendment and extraneous material be printed just before the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. I also urge Members to oppose the previous question.

Mr. Speaker, I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, let me urge all my colleagues to support the rule and to also support the underlying bill. H.R. 1257 is a good bill. If you want to defend the status quo, then vote against it. But if you want more accountability, more transparency, then vote for it. This should not be a partisan issue, and I hope that it would get a strong bipartisan vote on passage.

Let me again urge my colleagues to support the rule, and this is a rule that allows the gentleman from Texas to be able to offer an amendment. It allows the gentleman from Georgia, whom we

heard earlier, to offer three amendments. It allows for every single Member of this House, Democrat or Republican, to be able to offer an amendment to this bill.

This is something new compared to the way the Rules Committee was run under the previous leadership. This is a rule that allows people to be able to heard, to be able to bring their views to the floor, and to be able to debate them. For the gentleman from Texas or the gentleman from Georgia or anybody else to complain that somehow this is a restrictive rule just defies the facts.

The fact of the matter is that under their leadership, restrictive rules were the norm. Closed rules were the norm. Not once, not once did I hear anybody on the other side complain about the restrictive rule or closed rule or even vote against the closed rule. This allows every single Member who wanted to offer an amendment to offer an amendment.

This is an open rule with a preprinted requirement. This is a good rule. I would urge all my colleagues to support the rule.

The material previously referred to by Mr. SESSIONS is as follows:

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress,

(page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

AMENDMENT TO H. RES. 301 OFFERED BY REP. SESSIONS OF TEXAS

On page 2, lines 18 and 19, strike "in a daily issue dated April 17, 2007, or earlier".

Mr. MCGOVERN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 1361, RELIEF FOR ENTREPRENEURS: COORDINATION OF OBJECTIVES AND VALUES FOR EFFECTIVE RECOVERY ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 302 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 302

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1361) to improve the disaster relief programs of the Small Business Administration, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to

the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each such further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1361 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida, my friend and cochair of Florida's congressional delegation, Representative LINCOLN DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

Mr. Speaker, I yield myself as much time as I may consume.

□ 1320

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 302.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, as the Clerk just read, this rule provides for consideration of H.R. 1361, the Relief for Entrepreneurs: Coordination of Objectives and Values for Effective Recovery, or RECOVER, Act of 2007 under a structured rule.

Continuing our ongoing efforts to provide the minority with opportunities to amend and improve legislation on the House floor, the rule also makes in order all three Republican amendments that were submitted to the Rules Committee.

Mr. Speaker, as someone who represents a district which has been victim to countless natural disasters, I have known about the Small Business Administration's disaster loan program for quite some time.

Businesses in the district I am privileged to serve and the district of my good friend Mr. DIAZ-BALART and throughout South Florida have relied on this program to sustain themselves during the difficult days, weeks and months following natural disasters. Loans provided under SBA's disaster loan assistance program have, at times, literally kept Florida's economy going.

While I have seen the greatness of this program, Mr. Speaker, I and my constituents have also seen its shortcomings. Indeed, the problems addressed in the underlying legislation, and I commend the Chair's recommendations and their efforts in that regard, but the problems are not new, and they certainly were not created by Hurricanes Katrina, Rita or Wilma. On the contrary, they have manifested for quite some time and have been raised by me and many of my colleagues in Florida over the years.

In Florida, we saw SBA's limitations during the 2004 hurricane season. By no fault of its own, SBA was inundated with loan applications and overwhelmed by the situation. Long delays in application processing and slow disbursements of approved loans led many in my part of the country to question why Congress didn't do anything at the time to increase the Small Business Administration's capacity during disasters.

Although it took the largest disaster of our time for us to open up our eyes, I am pleased that this Congress under this leadership is giving the SBA the tools that it needs to keep America's small businesses in business after a disaster.

The RECOVER Act enhances the SBA's capacity to provide assistance during and after natural disasters. The legislation mandates that the SBA establish and maintain a comprehensive disaster plan which will be overseen by a new associate administrator for disaster assistance.

Using FEMA's citizen volunteer program as its model, the underlying legislation establishes a disaster reserve corps capable of providing the people-power necessary to respond to an influx of SBA loan applications.

The RECOVER Act improves SBA's customer service operation and increases the limit of SBA disaster loans from \$1.5 million to \$3 million. It also expands the scope of organizations which can qualify for such loans and makes it easier for businesses to pay back their loans.

The bill also requires improved disaster response coordination between the SBA and FEMA. This is a critical, yet unfortunate, requirement of the bill. Critical because coordination during disasters across agency lines is desperately needed; unfortunate, notwithstanding of the fact that these things are going to occur, I am dumbfounded that our agencies aren't already coordinating to the maximum extent possible during disasters.

I have participated in the conversations, sat in the meetings where coordination between agencies is nonexistent during disasters. Turf battles supersede logic, and coordination is a distant memory of the past.

I ask: Why does it take an act of Congress to get Federal agencies to coordinate their efforts when authorization for such coordination already exists? The only turf that matters and should matter during disasters is the turf of the American people.

We have to be in the business of providing our citizens with every available resource to respond to and recover from disasters. The underlying legislation does just that.

I am proud to support this rule and the underlying legislation, and I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my good friend, the gentleman from Florida (Mr. HASTINGS), the co-chairman of the Florida congressional delegation, for the time, and I yield myself such time as I may consume.

Small business, Mr. Speaker, is the engine that drives our economic strength. Small businesses employ over half of all private sector workers and pay approximately 45 percent of U.S. private payroll.

Over the last decade, small businesses have generated 60 to 80 percent of new jobs. We must not take the amazing performance of small businesses for granted, however, Mr. Speaker. They often don't have the financial structure and support to help them quickly recover from major natural disasters. If small businesses fail in the aftermath of a natural disaster, it only slows the recovery of the area.

Storms have often punished the community that I am honored to represent. In 1992, Hurricane Andrew, a category 5 storm, devastated much of South Florida. Until 2005, Hurricane Andrew was the costliest natural disaster in our history, causing over \$26 billion of damage to South Florida. Entire communities were totally destroyed. Especially hard hit were many of the small businesses that make up a major part of the South Florida economy. Fifteen years later, the effects of that storm can still be felt.

The SBA was one of the many Federal agencies that suffered a breakdown in operations during the rebuilding efforts after the 2005 hurricane season. The disaster loan program of the

SBA is the Federal Government's main source of natural disaster rebuilding assistance and has come under fire for problems and delays in granting loans to homeowners, renters and businesses affected by the hurricanes.

I think we need to do all that we can to ensure that the backbone of our country, small businesses, are not crippled in a storm's aftermath and that those small businesses can play a leading role in the recovery of affected areas.

This underlying legislation better prepares the SBA to handle future disasters by requiring, among other reforms, that the agency develop a comprehensive disaster response plan, improve training, streamline information tracking systems, follow-up processes and more efficiently distribute disaster loans by partnering with private lenders.

There is at least one point of contention in the underlying legislation. Section 211 modifies the subsidy rate assigned to SBA disaster loans by providing for double compensation under the provision that a disaster victim could receive both a grant and a loan for the same damage. This provision requires a direct appropriation. As such, it violates PAYGO rules.

The manager's amendment by the distinguished chairman, Ms. VELÁZQUEZ, does correct the PAYGO problem by making the section subject to available appropriations. It still does not address the underlying issue in contention, however, Mr. Speaker, which is, why should someone be compensated twice for the same injury? It is a legitimate point of contention which obviously merits debate.

Mr. Speaker, I reserve the balance of my time.

□ 1330

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 3 minutes to the distinguished gentlewoman from Florida, our colleague on the Rules Committee, Ms. CASTOR.

Ms. CASTOR. Mr. Speaker, I thank my distinguished colleague from the Rules Committee.

Mr. Speaker, I rise in strong support of the RECOVER Act and this rule which charts a new direction for emergency and hurricane planning, because the Federal Government simply must be ready to respond in a crisis.

Small Business Committee Chair NYDIA VELÁZQUEZ and her committee deserve credit for understanding the expectations of the American people, who have insisted upon better disaster relief planning.

My colleagues from Florida, and indeed, our neighbors and citizens across the gulf coast, begin to feel a bit apprehensive this time of year because hurricane season is only a few weeks away. Yes, we are all worried about the potential landfall of a hurricane, but we are also just as concerned about the administration's ability to deal with the aftermath.

Following the Bush administration's poor response to the 2005 gulf coast hurricanes, the new Congress has pledged to strengthen disaster planning and response, and we are following through here today. The RECOVER Act will improve the Small Business Administration's disaster response plans and assess its technology, telecommunications and personnel in advance.

In the event of another hurricane or natural disaster, small business owners will face costs of starting up again, so this act increases the funds available for disaster loans from \$1.5 to \$3 million. And importantly for the hard-working folks like those in my district in the Tampa Bay area, small business owners will no longer be required to pledge their homes as collateral for business loans less than \$100,000.

The act also requires the SBA to improve coordination with State and local authorities and establishes a disaster relief corps of 1,000 trained individuals.

So, Mr. Speaker, I strongly urge approval of this rule and the RECOVER Act so that our country is better prepared for hurricane season and the swift recovery of our communities and small businesses.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 4 minutes to my good friend, the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I can certainly understand my former colleagues on the Rules Committee, the gentleman from Florida (Mr. HASTINGS), the gentleman from Florida (Mr. DIAZ-BALART), the gentlelady from Florida (Ms. CASTOR) being in favor of this rule and this underlying bill.

But I rise, Mr. Speaker, in strong opposition to the underlying legislation, H.R. 1361, the RECOVER Act. This legislation is bad fiscal policy. It increases the cost to America's taxpayers of providing disaster assistance, while increasing the probability that the Federal Government will lose money to default losses.

It was Huey Long, the long-time Governor and Senator from Louisiana, the gulf coast, the Kingfish, as he was known, who said, "I can frighten or buy 99 out of every 100 men."

Mr. Speaker, I am not suggesting that my Democratic colleagues are trying to buy votes with this bill. But I do know that we need to closely examine the money our government spends to ensure that it is spent responsibly.

We have worked hard to fund the redevelopment of the gulf coast, committing more than \$110 billion of Federal resources. That includes \$4.7 billion to FEMA to remove debris and repair and rebuild public infrastructure and buildings; \$17 billion from HUD for Community Development Block Grants, the largest housing recovery program in United States history; \$6 billion for the Corps of Engineers to rebuild and restore levees so that we can rebuild

below sea level; \$16.1 billion paid out in national flood insurance claims, \$1 billion for Health and Human Services to cover all of Louisiana's health care costs. And the list, Mr. Speaker, goes on and on.

There are right ways and wrong ways to fund redevelopment. This Congress has delivered \$14 billion in incentives to spur private business investment and economic development to create jobs, another \$600 million in Gulf Opportunity Zone tax credits to the region, with an additional \$400 million expected to be awarded this fall to encourage more business investment. But today we are debating a bill which would harm small business across the Nation by giving away money that will never, and I repeat, that will never get repaid.

Mr. Speaker, provisions in title II of this bill would allow gulf businesses whose application for a disaster loan has been denied, to then receive \$100,000 in grant money. And if a business has already received a loan, this bill will make sure that same business can also get a grant, and in the process, they will make certain that the grant money is not used to repay the loan.

So, yes, Mr. Speaker, you heard right. If the SBA decides your business is not viable enough for a loan, Congress is going to come in and just give you the money. What is more, now you can get paid twice for the same disaster.

Mr. Speaker, the sad fact is, this bill will hurt small businesses across the country. When the SBA makes a loan and that loan is repaid, the SBA loans that money to another business, and the cycle repeats itself. But by removing the repayment part of this cycle and requiring the SBA to send a \$100,000 grant to those businesses who do not qualify for a disaster loan in the first place, we are diluting the resources of the SBA and hindering its ability to extend loans to businesses in other parts of the country, businesses fully capable of repaying them.

Mr. Speaker, my Democratic colleagues are ignoring any semblance of restraint by treating our Treasury as a bottomless pit. In raising the risk of unrecoverable default losses, by giving away free money, it would certainly seem they are doing their level best to prove Huey Long's words to be true.

I urge my colleagues, vote against the rule and vote against the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I would like to inquire of the gentleman from Florida, Mr. Speaker, if he has any remaining speakers. I am the last speaker for this side.

Mr. LINCOLN DIAZ-BALART of Florida. I have no more speakers.

Mr. HASTINGS of Florida. Then I will reserve my time until the gentleman has closed for his side and yielded back his time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we have no further speakers and yield back.

Mr. HASTINGS of Florida. Mr. Speaker, disasters in this country are not limited to hurricanes or the Southeast. As I was saying yesterday in the Rules Committee, the chairwoman had storms in her district earlier this week, and there is massive drought going on in parts of this country. All of these are disasters and all of these have major SBA implications.

I have lived, and continue to live, in disaster-prone areas, like so many others in Congress and in this country. If our failures of the past have taught us anything, it is that we can no longer be response oriented when it comes to disasters.

Mitigation and planning saves money, saves time, and most importantly, saves lives.

The RECOVER Act creates a comprehensive and universal plan at the SBA for disaster response. It is the first step on this important path to improving the Federal Government's response to disasters.

I urge a "yes" vote on the rule, the previous question, and the underlying legislation.

Mr. Speaker, I yield back the balance of my time and move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on adoption of the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed, in the following order:

Ordering the previous question on H. Res. 301;

Adoption of H. Res. 301, if requested;

The motion to suspend the rules and adopt H. Res. 306.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

□ 1340

#### PROVIDING FOR CONSIDERATION OF H.R. 1257, SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 301, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 226, nays 199, not voting 8, as follows:

[Roll No. 219]

## YEAS—226

Abercrombie	Green, Gene	Neal (MA)
Ackerman	Grijalva	Oberstar
Allen	Gutierrez	Obey
Altmire	Hall (NY)	Olver
Andrews	Hare	Ortiz
Arcuri	Harman	Pallone
Baca	Hastings (FL)	Pascarell
Baird	Herseth Sandlin	Pastor
Baldwin	Hill	Payne
Bean	Hinchev	Perlmutter
Becerra	Hinojosa	Peterson (MN)
Berkley	Hirono	Pomeroy
Berman	Hodes	Price (NC)
Berry	Holden	Rahall
Bishop (GA)	Holt	Rangel
Bishop (NY)	Honda	Reyes
Blumenauer	Hookey	Rodriguez
Boren	Hoyer	Ross
Boswell	Inslee	Rothman
Boucher	Israel	Roybal-Allard
Boyd (FL)	Jackson (IL)	Ruppersberger
Boyd (KS)	Jackson-Lee	Rush
Brady (PA)	(TX)	Ryan (OH)
Braley (IA)	Jefferson	Salazar
Brown, Corrine	Johnson (GA)	Sánchez, Linda
Butterfield	Johnson, E. B.	T.
Capps	Kagen	Sanchez, Loretta
Capuano	Kanjorski	Sarbanes
Cardoza	Kaptur	Schakowsky
Carnahan	Kennedy	Schiff
Carney	Kildee	Schwartz
Carson	Kilpatrick	Scott (GA)
Castor	Kind	Scott (VA)
Chandler	Klein (FL)	Serrano
Clarke	Kucinich	Sestak
Clay	Langevin	Shea-Porter
Cleaver	Lantos	Sherman
Clyburn	Larsen (WA)	Shuler
Cohen	Larson (CT)	Sires
Conyers	Lee	Skelton
Cooper	Levin	Slaughter
Costa	Lewis (GA)	Smith (WA)
Costello	Lipinski	Snyder
Courtney	Loeb sack	Space
Cramer	Lofgren, Zoe	Spratt
Crowley	Lowey	Stark
Cuellar	Lynch	Sutton
Cummings	Mahoney (FL)	Tanner
Davis (AL)	Maloney (NY)	Tauscher
Davis (CA)	Markey	Taylor
Davis (IL)	Marshall	Thompson (CA)
Davis, Lincoln	Matheson	Thompson (MS)
DeFazio	Matsui	Tierney
DeGette	McCarthy (NY)	Towns
Delahunt	McCollum (MN)	Udall (CO)
DeLauro	McDermott	Udall (NM)
Dicks	McGovern	Van Hollen
Dingell	McIntyre	Velázquez
Doggett	McNerney	Visclosky
Donnelly	McNulty	Walz (MN)
Doyle	Meehan	Wasserman
Edwards	Meek (FL)	Schultz
Ellison	Meeks (NY)	Waters
Ellsworth	Melancon	Watson
Emanuel	Michaud	Watt
Engel	Miller (NC)	Waxman
Eshoo	Miller, George	Weiner
Etheridge	Mitchell	Welch (VT)
Farr	Mollohan	Wexler
Fattah	Moore (KS)	Wilson (OH)
Filner	Moore (WI)	Woolsey
Frank (MA)	Moran (VA)	Wu
Giffords	Murphy (CT)	Wynn
Gillibrand	Murphy, Patrick	Yarmuth
Gonzalez	Murtha	
Gordon	Nadler	
Green, Al	Napolitano	

## NAYS—199

Aderholt	Bonner	Capito
Akin	Bono	Carter
Alexander	Boozman	Castle
Bachmann	Boustany	Chabot
Bachus	Brady (TX)	Coble
Baker	Brown (SC)	Cole (OK)
Barrett (SC)	Brown-Waite,	Crenshaw
Barrow	Ginny	Cubin
Bartlett (MD)	Buchanan	Culberson
Barton (TX)	Burgess	Davis (KY)
Biggart	Burton (IN)	Davis, David
Bilbray	Buyer	Davis, Jo Ann
Bilirakis	Calvert	Davis, Tom
Bishop (UT)	Camp (MI)	Deal (GA)
Blackburn	Campbell (CA)	Dent
Blunt	Cannon	Diaz-Balart, L.
Boehner	Cantor	Diaz-Balart, M.

Doolittle	Kline (MN)	Regula
Drake	Knollenberg	Rehberg
Dreier	Kuhl (NY)	Reichert
Duncan	LaHood	Renzi
Ehlers	Lamborn	Reynolds
Emerson	Latham	Rogers (AL)
English (PA)	LaTourette	Rogers (KY)
Everett	Lewis (CA)	Rogers (MI)
Fallin	Lewis (KY)	Rohrabacher
Feeney	Linder	Ros-Lehtinen
Flake	LoBiondo	Roskam
Forbes	Lucas	Royce
Fortenberry	Lungren, Daniel	Ryan (WI)
Fossella	E.	Sali
Fox	Mack	Saxton
Franks (AZ)	Manzullo	Schmidt
Frelinghuysen	Marchant	Sensenbrenner
Gallegly	McCarthy (CA)	Sessions
Garrett (NJ)	McCauley (TX)	Shadegg
Gerlach	McCotter	Shays
Gilchrest	McCrery	Shimkus
Gillmor	McHenry	Shuster
Gingrey	McHugh	Simpson
Gohmert	McKeon	Smith (NE)
Goode	McMorris	Smith (NJ)
Goodlatte	Rodgers	Smith (TX)
Granger	Mica	Souder
Graves	Miller (FL)	Stearns
Hall (TX)	Miller (MI)	Sullivan
Hastert	Miller, Gary	Tancredo
Hastings (WA)	Moran (KS)	Terry
Hayes	Murphy, Tim	Thornberry
Heller	Musgrave	Tiahrt
Hensarling	Myrick	Tiberi
Herger	Neugebauer	Nunes
Hobson	Pearce	Turner
Hoekstra	Pence	Upton
Hulshof	Peterson (PA)	Walberg
Hunter	Petri	Walden (OR)
Inglis (SC)	Pickering	Wamp
Issa	Johnson (IL)	Weldon (FL)
Jindal	Pitts	Weller
Johnson (IL)	Platts	Westmoreland
Johnson, Sam	Poe	Whitfield
Jones (NC)	Porter	Wicker
Jordan	Price (GA)	Wilson (NM)
Keller	Pryce (OH)	Wilson (SC)
King (IA)	Putnam	Wolf
King (NY)	Radanovich	Young (AK)
Kingston	Ramstad	Young (FL)
Kirk		

## NOT VOTING—8

Conaway	Lampson	Walsh (NY)
Ferguson	Millender-	
Higgins	McDonald	
Jones (OH)	Stupak	

□ 1405

Mr. HASTERT and Mr. TOM DAVIS of Virginia changed their vote from “yea” to “nay.”

Mr. GORDON of Tennessee and Mr. MITCHELL changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:

Mr. CONAWAY. Mr. Speaker, because I was attending a funeral at West Point this morning, I missed rollcall No. 219, adoption of previous question for H. Res. 301: Providing for consideration of H.R. 1257, to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation. Had I been present, I would have voted “nay.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 195, not voting 11, as follows:

[Roll No. 220]

## AYES—227

Abercrombie	Green, Gene	Napolitano
Ackerman	Grijalva	Neal (MA)
Allen	Gutierrez	Oberstar
Altmire	Hall (NY)	Obey
Andrews	Hare	Olver
Arcuri	Harman	Ortiz
Baca	Hastings (FL)	Pallone
Baird	Herseth Sandlin	Pascarell
Baldwin	Hill	Pastor
Barrow	Hinchev	Payne
Bean	Hinojosa	Perlmutter
Becerra	Hirono	Peterson (MN)
Berkley	Hodes	Pomeroy
Berman	Holden	Price (NC)
Berry	Holt	Rahall
Bishop (GA)	Honda	Rangel
Bishop (NY)	Hookey	Reyes
Boren	Hoyer	Rodriguez
Boswell	Inslee	Ross
Boucher	Israel	Rothman
Boyd (FL)	Jackson (IL)	Roybal-Allard
Boyd (KS)	Jackson-Lee	Ruppersberger
Brady (PA)	(TX)	Rush
Braley (IA)	Jefferson	Ryan (OH)
Brown, Corrine	Johnson (GA)	Salazar
Butterfield	Johnson, E. B.	Sánchez, Linda
Capps	Jones (NC)	T.
Capuano	Kagen	Sanchez, Loretta
Cardoza	Kanjorski	Sarbanes
Carnahan	Kaptur	Schakowsky
Carney	Kennedy	Schiff
Carson	Kildee	Schwartz
Castor	Kilpatrick	Scott (GA)
Chandler	Kind	Scott (VA)
Clarke	Klein (FL)	Serrano
Clay	Kucinich	Sestak
Cleaver	Langevin	Shea-Porter
Clyburn	Lantos	Sherman
Cohen	Larsen (WA)	Shuler
Conyers	Larson (CT)	Sires
Cooper	Lee	Skelton
Costa	Levin	Slaughter
Costello	Lewis (GA)	Smith (WA)
Courtney	Lipinski	Snyder
Cramer	Loeb sack	Space
Crowley	Lofgren, Zoe	Spratt
Cuellar	Lowey	Stark
Cummings	Lynch	Sutton
Davis (AL)	Mahoney (FL)	Tanner
Davis (CA)	Maloney (NY)	Tauscher
Davis (IL)	Markey	Taylor
Davis, Lincoln	Marshall	Thompson (CA)
DeFazio	Matheson	Thompson (MS)
DeGette	Matsui	Tierney
Delahunt	McCarthy (NY)	Towns
DeLauro	McCollum (MN)	Udall (CO)
Dicks	McDermott	Udall (NM)
Dingell	McGovern	Van Hollen
Doggett	McIntyre	Velázquez
Donnelly	McNerney	Visclosky
Doyle	McNulty	Walz (MN)
Edwards	Meehan	Wasserman
Ellison	Meek (FL)	Schultz
Ellsworth	Meeks (NY)	Waters
Emanuel	Melancon	Watson
Engel	Michaud	Watt
Eshoo	Miller (NC)	Waxman
Etheridge	Miller, George	Weiner
Farr	Mitchell	Welch (VT)
Fattah	Mollohan	Wexler
Filner	Moore (KS)	Wilson (OH)
Frank (MA)	Moore (WI)	Woolsey
Giffords	Moran (VA)	Wu
Gillibrand	Murphy (CT)	Wynn
Gonzalez	Murphy, Patrick	Yarmuth
Gordon	Murtha	
Green, Al	Nadler	

## NOES—195

Aderholt	Blackburn	Calvert
Akin	Bonner	Camp (MI)
Alexander	Bono	Campbell (CA)
Bachmann	Boozman	Cannon
Bachus	Boustany	Cantor
Baker	Brady (TX)	Capito
Barrett (SC)	Brown (SC)	Carter
Bartlett (MD)	Brown-Waite,	Castle
Barton (TX)	Ginny	Chabot
Biggart	Buchanan	Coble
Bilbray	Burgess	Cole (OK)
Bilirakis	Burton (IN)	Crenshaw
Bishop (UT)	Buyer	Cubin



Culberson	Jordan	Pryce (OH)
Davis (KY)	Keller	Putnam
Davis, David	King (IA)	Radanovich
Davis, Jo Ann	King (NY)	Ramstad
Davis, Tom	Kingston	Regula
Deal (GA)	Kirk	Rehberg
Dent	Kline (MN)	Reichert
Diaz-Balart, L.	Knollenberg	Renzi
Diaz-Balart, M.	Kuhl (NY)	Reynolds
Doolittle	LaHood	Rogers (AL)
Drake	Lamborn	Rogers (KY)
Dreier	Latham	Rogers (MI)
Duncan	LaTourette	Rohrabacher
Ehlers	Lewis (CA)	Ros-Lehtinen
Emerson	Lewis (KY)	Roskam
English (PA)	Linder	Royce
Everett	LoBiondo	Ryan (WI)
Fallin	Lucas	Sali
Feeney	Lungren, Daniel	Saxton
Flake	E.	Schmidt
Forbes	Mack	Sensenbrenner
Fortenberry	Manzullo	Sessions
Fossella	Marchant	Shadegg
Fox	McCarthy (CA)	Shays
Franks (AZ)	McCaul (TX)	Shimkus
Frelinghuysen	McCotter	Shuster
Gallegly	McCrery	Simpson
Garrett (NJ)	McHenry	Smith (NE)
Gerlach	McHugh	Smith (NJ)
Gilchrest	McKeon	Smith (TX)
Gillmor	McMorris	Souder
Gingrey	Rodgers	Stearns
Gohmert	Mica	Sullivan
Goode	Miller (FL)	Tancredo
Goodlatte	Miller (MI)	Terry
Granger	Miller, Gary	Thornberry
Graves	Moran (KS)	Tiahrt
Hall (TX)	Murphy, Tim	Tiberi
Hastert	Musgrave	Turner
Hastings (WA)	Myrick	Upton
Hayes	Neugebauer	Walberg
Heller	Nunes	Walden (OR)
Hensarling	Paul	Wamp
Herger	Pearce	Weldon (FL)
Hobson	Pence	Weller
Hoekstra	Peterson (PA)	Westmoreland
Hulshof	Petri	Whitfield
Hunter	Pickering	Wicker
Inglis (SC)	Pitts	Wilson (NM)
Issa	Platts	Wilson (SC)
Jindal	Poe	Wolf
Johnson (IL)	Porter	Young (AK)
Johnson, Sam	Price (GA)	Young (FL)

## NOT VOTING—11

Blumenauer	Ferguson	Millender-
Blunt	Higgins	McDonald
Boehner	Jones (OH)	Stupak
Conaway	Lampson	Walsh (NY)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1415

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. CONAWAY. Mr. Speaker, because I was attending a funeral at West Point this morning, I missed rollcall No. 220, adoption of H. Res. 301: Providing for consideration of H.R. 1257, to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation. Had I been present, I would have voted “nay.”

# OFFERING HEARTFELT CONDO- LENCES TO THE VICTIMS AND THEIR FAMILIES REGARDING THE HORRIFIC VIOLENCE AT VIRGINIA TECH AND TO STU- DENTS, FACULTY, ADMINISTRA- TION AND STAFF AND THEIR FAMILIES WHO HAVE BEEN AF- FECTED

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 306, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 306.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 12, as follows:

[Roll No. 221]

YEAS—421

Abercrombie	Carnahan	Fallin
Ackerman	Carney	Farr
Aderholt	Carson	Fattah
Akin	Carter	Feeney
Alexander	Castle	Filmer
Allen	Castor	Flake
Altmire	Chabot	Forbes
Andrews	Chandler	Fortenberry
Arcuri	Clarke	Fossella
Baca	Clay	Fox
Bachmann	Cleaver	Frank (MA)
Bachus	Clyburn	Franks (AZ)
Baird	Coble	Frelinghuysen
Baker	Cohen	Gallegly
Baldwin	Cole (OK)	Garrett (NJ)
Barrett (SC)	Conyers	Gerlach
Barrow	Cooper	Giffords
Bartlett (MD)	Costa	Gilchrest
Barton (TX)	Costello	Gillibrand
Bean	Courtney	Gillmor
Becerra	Cramer	Gingrey
Berkley	Crenshaw	Gonzalez
Berman	Crowley	Goode
Berry	Cubbin	Goodlatte
Biggert	Cuellar	Gordon
Bilbray	Culberson	Granger
Bilirakis	Cummings	Graves
Bishop (GA)	Davis (AL)	Green, Al
Bishop (NY)	Davis (CA)	Green, Gene
Bishop (UT)	Davis (IL)	Grijalva
Blackburn	Davis (KY)	Gutierrez
Blumenauer	Davis, David	Hall (NY)
Bonner	Davis, Jo Ann	Hall (TX)
Bono	Davis, Lincoln	Hare
Boozman	Davis, Tom	Harman
Boren	Deal (GA)	Hastert
Boswell	DeFazio	Hastings (FL)
Boucher	DeGette	Hastings (WA)
Boustany	Delahunt	Hayes
Boyd (FL)	DeLauro	Heller
Boyd (KS)	Dent	Hensarling
Brady (PA)	Diaz-Balart, M.	Herger
Brady (TX)	Dicks	Hersteth Sandlin
Braley (IA)	Dingell	Hill
Brown (SC)	Doggett	Hinchey
Brown, Corrine	Donnelly	Hinojosa
Brown-Waite,	Doolittle	Hirono
Ginny	Doyle	Hobson
Buchanan	Drake	Hodes
Burgess	Dreier	Hoekstra
Burton (IN)	Duncan	Holden
Butterfield	Edwards	Holt
Buyer	Ehlers	Honda
Calvert	Ellison	Hookey
Camp (MI)	Ellsworth	Hoyer
Campbell (CA)	Emanuel	Hulshof
Cannon	Emerson	Hunter
Cantor	Engel	Inglis (SC)
Capito	English (PA)	Inlee
Capps	Eshoo	Israel
Capuano	Etheridge	Issa
Cardoza	Everett	Jackson (IL)

Jackson-Lee	Miller (FL)	Schmidt
(TX)	Miller (MI)	Schwartz
Jefferson	Miller (NC)	Scott (GA)
Jindal	Miller, Gary	Scott (VA)
Johnson (GA)	Miller, George	Sensenbrenner
Johnson (IL)	Mitchell	Serrano
Johnson, E. B.	Mollohan	Sessions
Johnson, Sam	Moore (KS)	Sestak
Jones (NC)	Moore (WI)	Shadegg
Jordan	Moran (KS)	Shays
Kagen	Moran (VA)	Shea-Porter
Kanjorski	Murphy (CT)	Sherman
Kaptur	Murphy, Patrick	Shimkus
Keller	Murphy, Tim	Shuler
Kennedy	Murtha	Shuster
Kildee	Musgrave	Simpson
Kilpatrick	Myrick	Sires
Kind	Nadler	Skelton
King (IA)	Napolitano	Slaughter
King (NY)	Neal (MA)	Smith (NJ)
Kingston	Neugebauer	Smith (TX)
Kirk	Nunes	Smith (WA)
Klein (FL)	Oberstar	Snyder
Kline (MN)	Obey	Solis
Knollenberg	Olver	Souder
Kucinich	Ortiz	Space
Kuhl (NY)	Pallone	Spratt
LaHood	Pascrell	Stark
Lamborn	Pastor	Stearns
Langevin	Paul	Stupak
Lantos	Payne	Sullivan
Larsen (WA)	Pearce	Sutton
Larson (CT)	Pence	Tancredo
Latham	Perlmutter	Tanner
LaTourette	Peterson (MN)	Tauscher
Lee	Peterson (PA)	Taylor
Levin	Petri	Terry
Lewis (CA)	Pickering	Thompson (CA)
Lewis (GA)	Pitts	Thompson (MS)
Lewis (KY)	Platts	Thornberry
Linder	Poe	Tiahrt
Lipinski	Pomeroy	Tiberi
LoBiondo	Porter	Tierney
Loeb sack	Price (GA)	Towns
Lofgren, Zoe	Price (NC)	Turner
Lowey	Pryce (OH)	Udall (CO)
Lucas	Putnam	Udall (NM)
Lungren, Daniel	Radanovich	Upton
E.	Rahall	Van Hollen
Lynch	Ramstad	Velázquez
Mack	Rangel	Visclosky
Mahoney (FL)	Regula	Walberg
Maloney (NY)	Rehberg	Walden (OR)
Manzullo	Reichert	Walz (MN)
Marchant	Renzi	Wamp
Markey	Reyes	Wasserman
Marshall	Reynolds	Schultz
Matheson	Rodriguez	Waters
Matsui	Rogers (AL)	Watson
McCarthy (CA)	Rogers (KY)	Watt
McCarthy (NY)	Rogers (MI)	Waxman
McCaul (TX)	Rohrabacher	Weiner
McCollum (MN)	Ros-Lehtinen	Welch (VT)
McCotter	Roskam	Weldon (FL)
McCrery	Ross	Weller
McDermott	Rothman	Westmoreland
McGovern	Roybal-Allard	Wexler
McHenry	Royce	Whitfield
McHugh	Ruppersberger	Wicker
McIntyre	Rush	Wilson (NM)
McKeon	Ryan (OH)	Wilson (OH)
McMorris	Ryan (WI)	Wilson (SC)
Rodgers	Salazar	Wolf
McNerney	Sali	Woolsey
McNulty	Sánchez, Linda	Wu
Meehan	T.	Wynn
Meek (FL)	Sanchez, Loretta	Yarmuth
Meeks (NY)	Sarbanes	Young (AK)
Melancon	Saxton	Young (FL)
Mica	Schakowsky	
Michaud	Schiff	

NOT VOTING—12

Blunt	Gohmert	Millender-
Boehner	Higgins	McDonald
Conaway	Jones (OH)	Smith (NE)
Diaz-Balart, L.	Lampson	Walsh (NY)
Ferguson		

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1425

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SMITH of Nebraska Mr. Speaker, on rollcall No. 221, due to a meeting with constituents on issues relating to my district, I was unable to cast the vote. Had I been present, I would have voted "yea."

Mr. CONAWAY. Mr. Speaker, because I was attending a funeral at West Point this morning, I missed rollcall No. 221, adoption of H. Res. 306: Offering heartfelt condolences to the victims and their families regarding the horrific violence at Virginia Tech in Blacksburg, Virginia. Had I been present, I would have voted "yea."

#### RELIEF FOR ENTREPRENEURS: COORDINATION OF OBJECTIVES AND VALUES FOR EFFECTIVE RECOVERY ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 302 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1361.

□ 1425

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1361) to improve the disaster relief programs of the Small Business Administration, and for other purposes, with Mr. DAVIS of Alabama in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I will yield myself such time as I may consume.

After the 2005 gulf coast hurricanes, we witnessed a number of problems with the Small Business Administration's preparation and ability to assist entrepreneurs following a disaster. As the agency responsible for handling the disaster loan program, it was clear they were not adequately prepared.

During that time, there were significant application backlogs, with the number ballooning to 204,000 unprocessed applications by December 2005. Those that were lucky enough to get approved for assistance often waited months to receive any funds. It reached the point where entrepreneurs were simply avoiding the SBA, believing it was more of a hindrance than a help.

There is no question the leading factor in SBA's poor response was its lack of preparation and tools to assist the gulf coast victims. H.R. 1361, the RECOVER Act of 2007, provides for thorough disaster planning and directs SBA

to ensure they are prepared for a wide range of disasters.

This legislation will streamline SBA's loan processing and disbursement, as well as establish a bridge financing program. After the gulf coast storms, we saw entrepreneurs not only getting declined for loans but having to wait far too long for relief. This bill requires that within 36 hours of a disaster, qualified small businesses are provided with emergency small dollar financing, allowing them to stay in business and spur economic growth.

For small businesses, success and failure often come down to adequate financing. Nowhere is that more true than following a disaster. The changes made in this bill will ensure we avoid the mistakes in the gulf where 62 percent of small businesses who applied for assistance were not approved.

We cannot leave entrepreneurs with nothing to help them salvage their enterprises. For those that did get approved, the average wait time to receive their loan was 74 days, much longer than the SBA's goal of 21 days.

H.R. 1361 also provides for gulf coast entrepreneurs who still need assistance. The committee just came back from New Orleans, and there is no doubt that this community has a long way to go to get where it was before the hurricanes hit. By helping affected small businesses, we are also significantly aiding in the revitalization of the gulf coast.

The RECOVER Act of 2007 will establish a grant program that allows the SBA to help the most significantly damaged small businesses that have been rejected for a conventional SBA loan. These grants are intended to spur redevelopment in communities directly affected by the 2005 gulf coast storms where ordinary market forces are simply not enough. They will be granted under limited circumstances to provide aid to only the neediest of entrepreneurs that meet a number of qualifications.

The legislation also fixes SBA's one-size-fits-all approach to the disaster loan process that has failed businesses in the gulf coast. To be more responsive to individual disaster victims, H.R. 1361 provides the SBA administrator with the authority to waive the prohibition on duplication of benefits for the 2005 hurricane victims. Taking state-administered grant assistance and replacing it with loans that are not disbursed efficiently or in adequate amounts have left entrepreneurs without assistance to build their homes. Small businesses should not have to choose between their home and their business. This bill makes sure they are not faced with that choice.

Eighteen months has passed since this Nation saw one of its largest natural disasters. There is no question small businesses are still very much in need of assistance. The RECOVER Act of 2007 modernizes and reforms the SBA's disaster programs and addresses key concerns still facing hurricane victims.

H.R. 1361 has the support of America's Community Bankers, Independent Community Bankers of America, American Veterans, Veterans of Foreign Wars of the United States, the Black Chamber of Commerce and the U.S. Women's Chamber of Commerce.

I strongly urge my colleagues to vote for the RECOVER Act of 2007.

Mr. Chairman, I reserve the balance of my time.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I might consume.

Today, Mr. Chairman, I rise in opposition to H.R. 1361, the RECOVER Act. While there are many important things that this bill does, there are two provisions in particular, I believe, that unfortunately undermine the good work that has been done by the chairwoman in drafting the legislation.

I want to make clear, I think she has worked very hard. I think the staff has worked very hard to craft what they thought was a good bill, and I think it still has the potential. There are two amendments that we are going to offer subsequent to the general debate argument here, and if those amendments are adopted, I think they fix the bill sufficiently that we can support it because, as I indicated, I think there are many good things in this bill. But without those two provisions being passed, we unfortunately have to oppose it in its current form.

These two provisions, as I indicated, unfortunately make it impossible for me to support it as drafted, and the manager's amendment offered by the chairwoman, while making one of the provisions less problematic, does not assuage our underlying concerns about the two provisions that I just mentioned.

I think everyone can agree that all branches of government failed to respond adequately to the devastation that was Hurricane Katrina, and one of those agencies that did not measure up is the Small Business Administration unfortunately. This is not the conclusion of Democrats or Republicans, or Louisiana or Mississippi Members of Congress. It is a conclusion reached by the GAO, small business owners in the region and even the SBA itself.

While much of the focus on the response to Katrina has focused on the immediate aftermath and the failures of FEMA, the SBA plays a key role in the response to disasters by issuing loans to both homeowners and small businesses affected by the disaster. Thus, an inadequate response by the SBA undermines the recovery of communities devastated by natural disasters. It is vital that the SBA be prepared to handle future disasters, including some worst-case possible scenarios.

Administrator Preston understands this and has taken a number of steps to improve the SBA's readiness and made efforts to ensure that the inadequate response does not repeat itself. Through his efforts, he has reduced backlogs, streamlined loan processing,

improved customer service and identified points where the processing of disaster loans broke down. Administrator Preston also will ensure that the computer systems at the SBA will be improved; establish a reserve corps; utilize non-SBA staff to process loans; establish a new disaster manual that will be finalized by June 1 for the start of the current hurricane season; and continually revise responses to disasters based on the experience of previous disasters.

One may ask why a bill is necessary if Administrator Preston is making these changes. Well, as we have seen, other administrators may not have the same priorities and may reduce preparedness in the future to address other needs of the SBA. Therefore, incorporating many of these changes in statute will ensure that the administrator and SBA personnel will have the appropriate resources and congressional direction to ensure the SBA will have an adequate response to a disaster in the future.

Title I of the bill makes important changes in the SBA's management structure to ensure that the agency is prepared not only for predictable disasters but also the unpredictable ones. Title I requires the administrator to, A, develop a comprehensive disaster response plan; B, conduct an annual disaster simulation exercise; C, maintain a disaster reserve corps; D, create plans to obtain additional office space needed for major disasters; E, coordinate disaster assistance programs with FEMA; and create, from existing personnel, the position of an associate administrator for disaster assistance that has experience in both disaster planning and disaster response. These changes are all beneficial and will ensure that the SBA has the necessary tools and experience to respond to disasters.

These changes are supplemented by section 208, which provides enhanced lending authority to banks and other financial institutions that are preferred SBA lenders to process disaster loans in certain circumstances. Given the expertise of SBA preferred lenders, they should be able to supplement the SBA's capability to process disaster loans when necessary.

There are other important changes in title II that also are beneficial, and I commend the chairwoman, Chairwoman VELÁZQUEZ, for including those in this legislation. By themselves, these provisions would have made an effective bipartisan bill that ensures the SBA has the current planning and future capacity to respond to a disaster, whether it is a local tornado or an incident of national significance such as Hurricane Katrina.

Unfortunately, the legislation has two critical provisions that, in my view, seriously undercut the otherwise excellent work of the committee in creating a structure that will ensure the SBA is prepared to respond irrespective of the scope of the disaster. The first provision would authorize, ac-

cording to CBO estimates, \$180 million in grants to small businesses that were denied SBA loans. The other provision would grant the administrator the authority to, in essence, create a grant program that replaces grant funds that must be applied against existing disaster loans issued by the SBA. In other words, it allows a double compensation, a person to be compensated for the same damage twice. Given my concern about these two provisions, I will be offering amendments at the appropriate time to strike these two provisions, two amendments that we will be offering.

If these two provisions are removed, I think the House would then be able to pass a sound bill on an overwhelmingly bipartisan basis that dramatically improves the administrative structure by which the SBA responds to disasters in a fiscally responsible manner.

As I indicated before, if the two amendments are not passed, unfortunately I am going to have to oppose this particular piece of legislation.

Mr. Chairman, I reserve the balance of my time.

□ 1440

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. SHULER).

Mr. SHULER. I thank the gentleman for yielding.

Mr. Chairman, today I rise in support of H.R. 1361, the RECOVER Act. This bill is a strong step in the right direction to ensure that the problems small businesses face in the wake of Hurricane Katrina and Hurricane Rita will never repeat.

I know firsthand the difficulties that small businesses face after a natural disaster. It is vital for our community to know that the government stands with them in their hour of greatest need.

My district recently suffered disastrous weather, which wiped out nearly the entire crop of apples, strawberries and ornamental horticulture. I asked the people of the community to join together in prayer for the farmers and their families as they work through this crisis. Just like the small business owners of the gulf region and other areas affected by disaster, these farmers need the quick and effective response of their government in their time of greatest need.

I commend Chairwoman VELÁZQUEZ for her work on this legislation, and I urge my colleagues to support this bill.

Mr. CHABOT. Mr. Chairman, I yield such time as he might consume to the gentleman from Ohio (Mr. JORDAN) who, as one of the newer members of the committee, has been very active and is really contributing much to the committee already.

Mr. JORDAN of Ohio. I thank the gentleman for yielding, and I thank the chairwoman of the committee for her hard work and the entire committee on this legislation.

Mr. Chairman, I rise to oppose the bill for many of the reasons that the

ranking member has cited. I believe the bill shortsightedly tries to move a good organization, the U.S. Small Business Administration, further from its original mission of helping create, strengthen and maintain small businesses across our country.

The SBA was created by the Small Business Act of 1953. Its mission was to stand up for small businesses, and its main focus, other than loan guarantees, was promoting small businesses for Federal contracts. Since then, the SBA has grown to become the largest backer of small businesses in America. It has made progress toward its goal of improving small business and the engine of our free market economy.

Of late, though, the SBA has done more in fueling small business to coordinating disaster relief for businesses and homeowners. This is certainly a worthy goal, but again, one that strays from its fundamental mission. As the ranking member pointed out, this bill would require the SBA to provide loans it once denied as bad risks. It would also allow recipients to receive disaster relief.

Small businesses are successful in part because they are uniquely focused on their mission, and because they watch every single penny. This RECOVER Act will further blur the focus of SBA's mission while making it impossible for them, or us, to protect the integrity of tax dollars.

Finally, I would urge my colleagues to support the amendments that the ranking member plans to offer. Those will, I think, improve the legislation and make it worthy of everyone's support in a broad, bipartisan manner.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 5½ minutes to the gentleman from Louisiana (Mr. JEFFERSON) who represents and has been very active in the committee addressing the issues of the Small Business Administration Disaster Loan program.

Mr. JEFFERSON. Mr. Chairman, I rise today as a proud cosponsor of H.R. 1361, the RECOVER Act.

I want to thank Chairwoman VELÁZQUEZ for her leadership in crafting this important piece of legislation and in bringing it to the floor.

The storm that hit the gulf coast nearly 2 years ago exposed major flaws in the disaster planning system across all agencies of the Federal Government. Perhaps most appalling is that these storms exposed the fact that so many agencies had no plan at all for disasters such as Hurricanes Katrina and Rita. The Small Business Administration was just one of many agencies caught behind the curve, and the RECOVER Act aims to ensure that this never happens again by providing commonsense remedies for the many problems brought to light by the storms.

We are all quite familiar with the problems of the SBA in the aftermath of Hurricanes Katrina and Rita. Six weeks after the storms, there had been about 54,000 disaster loan applications received from the region. Ninety-five

percent of these applications were denied, while only 1,050 loans were approved, and only 58 checks, totaling \$533,400 or so, were sent out. During the 6-week period that followed Hurricane Charley in 2004, the SBA disbursed four times the amount that was disbursed after Hurricanes Katrina and Rita.

Additionally, many people in the gulf coast region fell victim to long delays in the process of the applications, and their paperwork was lost because the SBA lacked a fully functioning disaster processing system, as well as the required staff. The SBA lacked adequate service and support for its information and telecommunications systems. Only one vendor in the region of the SBA's primary telecommunications hub could service the type of phone system that the SBA uses. The SBA also failed to completely stress test the agency's sole loan processing system prior to its implementation.

The RECOVER Act mandates that the SBA develop a comprehensive written plan in order to deal with catastrophic disasters of this magnitude, as well as test the capacity of the system at least once each year.

Administrator Steve Preston came before the Small Business Committee and made the claim that the problems involved in the loan processing system have been solved through a team case management solution. Yet in talking with various small business owners and homeowners as well, and in closely examining the loan processing numbers, doubt is cast on this assertion.

One such example is Donna Colosino of New Orleans, who came before the committee and demonstrated the serious flaws that exist that this bill aims to remedy. After the storms flooded her electrical equipment business under 12 feet of water, she applied for a disaster loan from the SBA and was approved for \$250,000. After 15 months of resubmitting paperwork lost by the SBA, she finally received a disbursement of \$10,000 in May of this year.

Under the current repayment structure, she would have to begin paying back her loan as if she had received the full \$250,000, though she has only received \$10,000 to date. This is just one more nonsensical policy of the SBA Disaster Loan program the RECOVER Act will change by altering the payment schedule so that repayment only begins on the money received.

Perhaps the most troubling aspect of the current program to me, as well as to many of my constituents back home, is the requirement that money received from the Road Home program must be used to repay any outstanding loans from the SBA.

Assume your home has a pre-Katrina value of \$150,000, and it was completely destroyed by the storm. You qualify for an SBA loan in the amount of \$100,000. The Road Home grant comes through in the amount of \$50,000, enough perhaps to cover your pre-Katrina value, but you must then take the \$50,000 Road Home grant and use it, not to

complete your home, but to pay down the SBA loan by \$50,000. The result is, you end up with only \$100,000 in your hands to rebuild, \$50,000 short of what you need.

The truth is, replacement cost of a home now is much, much more, given the spikes in the cost of rebuilding with building materials and insurance far exceeding their pre-Katrina value. The requirement to pay down the SBA disaster loan to the extent of the Road Home grant will leave the homeowner with less than is needed to replace the lost home no matter the Road Home grant award.

This SBA requirement has also kept many people from closing on their Road Home awards as they wait for this body to resolve this situation. The RECOVER Act would address this serious problem by allowing the SBA administrator to provide grants to replace compensation that has already been taken by the SBA as a duplication of benefits, as well as going forward to assist those who have yet to receive the Road Home awards to fully recover.

The requirement in the bill to impose discretion in the SBA administrator not to treat a Road Home grant as an automatic double dip is safeguard enough to prevent true double dipping from occurring. Grants are authorized in the bill to selective businesses that have been in business 2 years, who are, in fact, true pioneers in going back, because there is no guarantee that they are going to have customers there to meet the demand is a reasonable addressing of the problem there.

The flaws of the SBA Disaster Loan program have been exposed by the 2005 storms, and it now falls to this body to remedy these flaws. We have long since moved past the rescue phase. We are now focused on recovery. Yet we cannot recover under the existing structure, as 77,000 small businesses were damaged, along with 275,000 homes.

Operating under the idea of business as usual is not enough. It is only through the passage of this bill and careful oversight in the coming months that we can ensure the SBA fulfills its obligations, not only to the victims of the storms of 2005, but also to deal more responsibly and efficiently with future disasters.

I urge my colleagues to oppose any amendments that would weaken this bill and to vote on this bill for its final passage.

Mr. CHABOT. Mr. Chairman, we reserve the balance of our time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. I thank the chairman. I thank the gentlewoman for yielding her time.

Mr. Chairman, I rise today in support of H.R. 1361, the RECOVER Act. This bill provided a much-needed overhaul to the Small Business Administration and its disaster aid program. After a disaster, the SBA issues loans to help individuals and small businesses re-

build their lives, often shattered by storms and other natural disasters.

□ 1450

After Hurricane Katrina, the average time for the SBA to process a loan, not including closing, was 74 days, far above the agency's goal of 21 days. This is absolutely unacceptable.

As I speak here today, people all across my home State of New Hampshire are dealing with the aftermath of a recent powerful nor'easter. On April 15, 2007, New Hampshire experienced a severe storm that dropped almost 6 inches of water in a matter of hours. The State as a whole has experienced sustained power and communications outages, and there are currently over 100 local communities that are reporting significant damage to local infrastructure. Our Governor has declared a state of emergency.

More than 60 percent of the businesses in New Hampshire are small businesses. This program is absolutely vital to my constituents now more than ever. We owe it to our small businesses nationwide to have access to critical relief services. I encourage my colleagues in the House to support this overhaul of SBA disaster aid, and reject proposed amendments.

Mr. CHABOT. Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) for a unanimous consent request.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise enthusiastically to support the Relief for Entrepreneurs: Coordination of Objectives and Values for Effective Recovery Act of 2007, to solve the frustration of those in my district who are fleeing Hurricane Katrina, and I thank the gentlewoman.

Mr. Chairman, I rise in support of H.R. 1361, the Recovery Act of 2007, which amends the Small Business Act to direct the Small Business Administration (SBA) to develop, implement and maintain a comprehensive written disaster response plan and to maintain a disaster reserve corps; to establish an Associate Administrator for Disaster Assistance; to authorize SBA disaster loans for incidents of national significance; to direct the Administrator to carry out an immediate Disaster Assistance program; to provide a revised disbursement process for SBA disaster loans; to provide enhanced lending authority for private lenders; to authorize SBA grants to small businesses located in disaster areas upon their certification that they will reestablish the business in the same area; and to require annual SBA reports on disaster assistance operations.

Mr. Chairman, I applaud Chairwoman Velázquez for bringing this bill to the floor and in doing so acknowledging that we need to be better prepared to respond to the needs of disaster victims from the affected areas. In the aftermath of Hurricanes Katrina, Rita and Wilma, we all saw the devastating consequences that came from not having disaster preparedness plans in place.

After those devastating hurricanes, small businesses and in particular minority and disadvantaged businesses, in the affected areas were severely and negatively impacted because they did not receive financial support necessary to rebuild their businesses and participate in the rebuilding of the affected community.

The Homeland Security Committee has learned that small businesses in particular are very important to economic recovery and stability in an affected region in the aftermath of a disaster—regardless of whether the disaster is natural or man-made. The Committee also has learned that it is good common sense to use the local business owners in the disaster recovery process because they are most connected, and knowledgeable about the local area and what the local community needs.

That is why I offered two amendments to H.R. 1361 that would require the Small Business Administration (SBA) Administrator to include in its disaster recovery processes, pre-negotiated contracts and to encourage inclusion of local, minority, and disadvantaged businesses in the disaster recovery response process.

My first amendment would have encouraged the SBA to include local businesses from the affected area in the recovery process and to have in place in advance pre-negotiated contracts with these local businesses. Hurricanes Katrina, Rita and Wilma have proven that failure to include small businesses in the recovery process was detrimental to speedy and efficient recovery for the affected areas and lead to astronomical costs for the affected areas as well as the entire country. These costs include money, time and lives. These are costs that we cannot afford to pay in future disasters.

I also offered an amendment that would encourage the inclusion of minority and disadvantaged businesses in the disaster recovery response plans. In the aftermath of Hurricanes Katrina, Rita and Wilma, small, minority, and disadvantaged businesses from the region were shut out of disaster-related contracts because goals and preferences were not in place. We must correct this very serious problem that is often representative of problems that the most vulnerable members of our society consistently face.

Mr. Chairman, the federal contracting goal for small, minority and disadvantaged businesses is a 23% participation rate as set forth by the Small Business Administration. My amendment that I offered would have required the SBA to include in its comprehensive response plan, a contracting goal and work to meet that goal. If the SBA plans well, then this goal should be achievable.

I understand that the bill also allows for mitigation loans and grants. We would hope that the SBA encourages similar inclusion measures with respect to minority and disadvantaged businesses in its loan and grant authorizations as those used in federal contracting in general.

Since the late 1960s, it has been the policy of the federal government to assist small businesses owned by minorities and women to become fully competitive, viable business concerns. As a result, the Small Business Administration set forth government-wide goals to level the playing field for small and minority businesses seeking federal government contracts. My amendment to encourage the inclusion of minority and disadvantaged businesses

in the disaster loan and grant process would have gone a long way to meet these goals. If these businesses are disadvantaged before disasters occur, then those who are negatively impacted after disasters would presumably suffer exponentially and disproportionately. Therefore, it is especially crucial to encourage the inclusion of minority and disadvantaged businesses in the disaster mitigation loan and grant recovery process.

We have seen over and over again the incredible need to include local, minority and disadvantaged businesses in the recovery and rebuilding process. It is time to seriously address this extremely important need.

I urge the Committee to support H.R. 1361 and to be ever-mindful of the need to include local, minority and disadvantaged businesses in disaster recovery response plans. Further, I vigorously oppose the Chabot amendment, which one in particular is particularly punitive against a business suffering from disaster by requesting a recipient of a grant to pay an SBA disaster loan back that they may have received.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. ELLSWORTH).

(Mr. ELLSWORTH asked and was given permission to revise and extend his remarks.)

Mr. ELLSWORTH. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Less than 2 years ago, a devastating tornado ripped through my community in Evansville, Indiana, and although 25 residents of those two counties lost their lives, our emergency services organizations were applauded for their response to that devastating tornado. There is only one reason that we handled that; it is because we had a disaster plan in place and because we practiced that plan and we worked that plan so that when it hit, we did our job.

A few months after that tornado, a much larger disaster, Hurricane Katrina, showed the horrors of these disasters on a more massive scale. In the days and weeks that followed, Hoosiers watched the citizens of New Orleans searching for food, clean water, and a safe place to sleep. With the local government underwater, people relied on the government in Washington to come to their aid. The failures of the Federal Government at that time are far too many to list right here. While we work to fulfill our promises to the citizens recovering from this disaster, we must also prepare for the future.

America has suffered massive disasters in the past; and, unfortunately, we are going to see them in the future. As our families prepare themselves for the possible scenarios, Congress must ensure that a failure that we saw before does not happen again.

The RECOVER Act, and I am proud to support this, is an important step in improving the government's response to large-scale disasters. And I am proud to support it, as I said.

The RECOVER Act requires the Small Business Administration to prepare for future disasters by developing a comprehensive disaster plan. The

government would be required to conduct regular disaster simulations and update its disaster plan in response to new challenges as we see them.

This bill also requires the SBA to start to implement a new disaster plan, a 1,000-person disaster reserve corps that will receive annual training for future disaster responses. These additional employees would be prepared to meet the challenges posed by sudden disasters.

If programs like these were in place before Hurricane Katrina, the government might have been able to invigorate the local economy and speed up the rebuilding effort. I can understand we can't change the past, but we can improve our response to disasters in the future.

The RECOVER Act will make those improvements and help the government fulfill its responsibility to protect the citizens in the aftermath of disasters. I am proud to lend my support to the RECOVER Act, and I urge my colleagues to join me in helping protect disaster victims.

Mr. CHABOT. Mr. Chairman, we will continue to reserve our time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. CLARKE).

Ms. CLARKE. Mr. Chairman, first, I want to commend Chairwoman VELÁZQUEZ for her leadership on this issue and for bringing this bill to the House floor.

I rise in support of H.R. 1361, a bill to improve the disaster relief program of the Small Business Administration and to provide relief for entrepreneurs. This bill addresses the problems with the SBA's disaster loan program, which was implemented to provide timely financial assistance in the form of low-interest loans and working capital for businesses devastated by disasters.

In New York City, after 9/11, small businesses that once prospered near the World Trade Center had difficulty recovering from that tragedy. Four years later, in the wake of Hurricane Katrina and Hurricane Rita, many applicants of SBA disaster assistance were frustrated with the agency's response or lack thereof.

Many businesses found their loan applications were delayed in backlogs that took over a year to process without a well-informed, centralized point of contact within the agency.

For entrepreneurs struggling to get back on their feet, the old adage "time is money" is much more than a cliché. Economic distress can quickly digress into systemic unemployment for the thousands of employees and bring extreme hardship to America's families.

I support the intent of this bill because it will ensure that the SBA performs comprehensive, risk-based, disaster planning on an annual basis and that the agency has mechanisms in place to maintain its disaster readiness over the long term.

This new bill will also enhance the SBA's disaster loan program by improving the manner in which disaster

loans are processed, approved and disbursed, and by providing the agency with the additional financial assistance tools that are intended to better fit the various needs of small businesses following a disaster.

I will cast an "aye" vote in support of an unamended H.R. 1361, and I encourage my colleagues to do the same.

The RECOVER Act of 2007 is a bill that will ensure that members of Congress are adequately informed about all aspects of SBA's disaster assistance and disaster planning programs so that they may provide the SBA with the support they need to fulfill their vital mission following a disaster.

Mr. CHABOT. Mr. Chairman, we will continue to reserve our time.

Ms. VELAZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. Mr. Chairman, I thank the gentlewoman for yielding me this time, and for her extraordinary leadership on this important measure.

Mr. Chairman, I rise today as the voice for 350,000 Iowans who lost power during an ice storm in February, to express my strong support for H.R. 1361, the RECOVER Act. This bill will develop a disaster plan so that the Small Business Administration can adequately assist small businesses in emergencies.

Just this February, Iowa was hit with a massive ice storm, one of the worst in its history, which caused millions of dollars worth of damage throughout the State and left hundreds of thousands of people without power.

Weather in Iowa, like in many parts of the country, can be unpredictable and dangerous, and this was no exception. I was personally affected by this ice storm when a 40-foot ice-coated branch struck my home in Waterloo. With the help of my neighbors and our chain saws, I was able to cope with some minor property damage and personal inconvenience; but my situation paled in comparison to the constituents I met while visiting emergency storm shelters in Iowa's First Congressional District. These Iowans were there seeking refuge after they had been displaced from their homes and businesses as a result of the ice storm.

On March 15, the Small Business Committee held a markup of the RECOVER Act. I introduced an amendment that day to expand the scope of Federal disaster assistance available to small businesses. Currently, the SBA has to wait for the President to make a formal disaster declaration before giving disaster loans to small businesses.

There are exceptions, however. These include severe situations such as "floods, hurricanes, tornadoes, earthquakes, fires, explosions, volcanoes, windstorms, landslides or mudslides, tidal waves" and other civil disorders.

The amendment I proposed adds "ice storms and blizzards" to this list of exceptions. The language will benefit small business owners who are trying to get back on their feet following severe winter weather.

I was pleased that the amendment received overwhelming bipartisan support and was passed by the committee unanimously. I urge my colleagues to recognize the importance of assisting small businesses in reopening following a disaster and ask them to support the RECOVER Act.

□ 1500

Mr. CHABOT. Mr. Chairman, we will reserve the balance of our time.

Ms. VELAZQUEZ. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. MELANCON). And I want to take this opportunity to thank him for his leadership in working with us on this comprehensive legislation.

Mr. MELANCON. Mr. Chairman, first, I want to thank Chairman VELAZQUEZ for the continued commitment to helping rebuild the gulf coast. Over a year and a half has passed since Hurricanes Katrina and Rita devastated south Louisiana and other Gulf Coast States. I am pleased my colleagues remain committed to seeing us fully recover and rebuild.

I come to the floor today to support H.R. 1361, the RECOVER Act. Recovering from the two hurricanes that devastated our State and the gulf coast in 2005 is the biggest and most important challenge Louisiana and the gulf coast have ever faced. Katrina was the biggest natural disaster ever in the United States, and Rita, which may have been dubbed the "forgotten storm," was the third worst disaster. First and third in our Nation's history, and they hit the same region within one month each.

After these storms hit, it became very clear that SBA was not prepared for a disaster of this caliber. SBA was understaffed, poorly trained, poorly managed and, overall, unprepared to respond effectively to the urgent need of disaster relief loans. The SBA's disastrous response effectively discouraged small business owners from applying for business or home loans.

Also, inadequate and inaccurate communications from SBA's employees kept many customers from finishing applications. I have personally heard of several instances in which small business owners were frustrated to the point of giving up on the SBA and the hope of getting financial assistance. I remind my colleagues again that this was a critical time, when these people needed help more than ever.

H.R. 1361 addresses those serious shortfalls experienced in the aftermath of Katrina. The RECOVER Act will better prepare the SBA to handle and fund disasters by requiring, among other things, that the agency develop a comprehensive disaster response plan, improve employee training, streamline their information tracking systems and follow-up process, and more efficiently distribute disaster loans by partnering with the private local lenders. SBA's unwillingness to immediately and effectively delegate responsibility to qualified private lenders cre-

ated a critical choke point in loan disbursements following these hurricanes.

H.R. 1361 includes a commonsense solution that will cure this problem and allow for large, maximum loan amounts and create a more streamlined application process by allowing private, local, SBA-approved bankers to administer these loans. These private lenders have the unique advantage of being on the ground and knowing the community and, more importantly, the people in the businesses within them. By allowing these private lenders to participate, it will greatly increase the speed and efficiency in getting the funds in the hands of the small businesses after a disaster.

Another problem we faced after the storms was SBA's unwillingness or inability to provide maximum flexibility in the administration of these disaster loans. Instead of nurturing struggling businesses as they adapted to the new environment following Katrina and Rita, the SBA often strangled them with red tape and bureaucratic hurdles.

After the storm, some businesses along the gulf coast were denied sufficient loans because the SBA judged their application solely based on their prestorm capabilities, rather than on the new realities they were trying to adjust to or their ability to meet poststorm demands. The RECOVER Act will make the SBA a more flexible agency and will permit them to approve larger grants for businesses that become major sources of employment following disasters.

The RECOVER Act also addresses one of the most notorious problems that arose after the storms, the duplications of benefit provisions. Under current law, storm victims who took the initiative to apply for SBA loans are now being forced to repay their SBA loans with Road Home money. Hurricane victims in Louisiana and along the gulf coast need all the help they can get with rebuilding their homes and getting their lives back to normal. They don't need the Federal Government giving with one hand and taking with the other.

Rebuilding in the wake of Hurricanes Katrina and Rita has been the biggest challenge the people on the gulf coast have ever faced. In order to continue to recover and rebuild, recovery money must stay in the disaster regions, not sent back to Washington.

I understand the administration does not want people to double dip and must be effective stewards of taxpayers' money, but in this instance, victims of catastrophic disaster are essentially being punished for receiving these disaster loans before they get their recovery grants. Under this bill, borrowers will still have to repay their SBA loans; they will just be able to pay them over the extended time frame they originally agreed to when they got the loan.

I am a fiscal conservative, but this policy is absolutely ridiculous. It is dooming the recovery to failure, and it is time that we correct it.



I urge my colleagues to support the RECOVER Act today. With hurricane season approaching fast, this bill is critical to the survival of small businesses. Small businesses are the lifeblood of this country, and we must be ready to protect them from another, possible, future disaster.

Mr. CHABOT. Mr. Chairman, we will continue to reserve our time.

Ms. VELÁZQUEZ. Mr. Chairman, I have no further speakers. If the minority is ready to close, I am ready to close.

Mr. CHABOT. Mr. Chairman, prior to yielding back all our time, if I could just make a comment or two. I will yield myself as much time as I may consume. I will be very brief.

I just want to reiterate that there are things within this bill which I think are very good efforts in resolving some of the difficulties that we saw in Katrina.

First of all, the SBA's response time for loans and other things was unacceptable, and it is absolutely critical that it be improved upon. And I think there are some things in this bill that do just that. For example, better coordination between the SBA and FEMA; the requirement of a plan ahead of time, a disaster plan ahead of time that everybody knows about so you are not looking for a plan or trying to put one together after the disaster has already hit; it makes sense to do that ahead of time. This calls for this.

It calls for a reserve corps of trained personnel, which I particularly like because you are talking about training people ahead of time, but not necessarily hiring them as new government employees that then one has to pay and pay compensation to over a long period of time. So I like the fact that we are talking about training a reserve corps ahead of time.

I think the idea of having simulation exercises called for ahead of time makes a lot of sense so that people are prepared.

As I indicated before, however, there are a couple of, in my view, fatal flaws to this particular piece of legislation, which we are going to address in a few moments here in a couple of amendments. And if they pass, then we would be very supportive of the whole act. If they don't, unfortunately, we would have to oppose the bill.

Mr. Chairman, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we are now barely over a month away from hurricane season. Many small businesses have been struggling for a year and half to recover after the gulf coast storms of 2005. Following the hurricanes, delays in disaster loans, overwhelming amounts of paperwork and a lengthy application process left many small business owners frustrated and discouraged. In fact, entrepreneurs avoided what is supposed to be their primary source of assistance, the SBA.

Our Nation's 25 million small businesses need to know that the next time a disaster happens they will not be left with nothing, but will have efficient and reliable assistance. They need to know that what happened after the gulf coast hurricanes will not ever happen again.

The RECOVER Act of 2007 will require that the SBA have a disaster plan in place, provides assistance to the neediest of entrepreneurs and helps in the redevelopment of the community. H.R. 1361 will given entrepreneurs the relief and assistance they deserve after a disaster.

With 44 days left till hurricane season, we simply cannot afford not to act.

At this point, I want to take a moment to thank the staff who worked on this legislation. From Mr. CHABOT's staff, Kevin Fitzpatrick, Mike Smullen and Barry Pinellis; from the majority staff, Michael Day, Adam Minehardt and Andy Jiminez and Tim Slattery.

Mr. HONDA. Mr. Chairman, I rise today in support of H.R. 1361, the Relief for Entrepreneurs: Coordination of Objectives and Values for Effective Recovery (RECOVER) Act of 2007. This bill makes crucial improvements to the Small Business Administration's disaster relief programs. It will help provide greater access to, and more effective distribution of, loans and grants to those affected individuals in the aftermath of natural disasters.

One of the many lessons learned from Hurricanes Rita and Katrina is that the Federal Government must be better prepared to assist all the people of this Nation in times of greatest need. In legislating to improve disaster relief programs, Congress must keep in mind the multifaceted nature of any solution and strive to create equitable access for all affected communities.

While this bill takes great strides in making funds available to individuals affected by natural disasters, more must be done to ensure access for the segments of the population that may not be reached through standard means, including limited English proficient communities. Among the communities severely impacted by Hurricane Katrina were the Vietnamese American and Cambodian American shrimpers of the Gulf Coast. For many, their livelihoods were destroyed as their boats were left damaged and not seaworthy. These losses were compounded by the inaccessibility of government aid as many of these shrimpers are limited English proficient and were unable to learn of government programs that could have helped them. Unfortunately, the Federal Government fell short of servicing the needs of this segment of the American population.

Mr. Chairman, it is the responsibility of the Federal Government to ensure equitable access to Federal disaster relief programs for all Americans. We do not know where the next disaster will strike, but we will be better prepared if we acknowledge that different communities have different needs; access to information in the appropriate language is vital. Congress must do its part. The RECOVER Act certainly adds necessary amendments to the Small Business Act, but I stress to my colleagues in the House, we cannot stop there. To ensure equitable access to all affected individuals and communities, Congress and the

Small Business Administration must take the extra steps to ensure that information, outreach, and loan and grant disbursement are made available to communities that are difficult to serve. I trust that this House will continue to ensure proper preparation and full and equitable access to relief programs for affected individuals and communities in the next natural disaster to affect this Nation.

Ms. VELÁZQUEZ. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 110-97 is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

#### H.R. 1361

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the “Relief for Entrepreneurs: Coordination of Objectives and Values for Effective Recovery Act of 2007” or the “RECOVER Act”.

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

#### Sec. 1. Short title; table of contents.

##### TITLE I—PLANNING

Sec. 101. Comprehensive disaster response plan.

Sec. 102. Annual disaster simulation exercise.

Sec. 103. Disaster reserve corps.

Sec. 104. Plans to secure additional office space.

Sec. 105. Coordination of disaster assistance programs with FEMA.

Sec. 106. Associate Administrator for Disaster Assistance.

##### TITLE II—LENDING

Sec. 201. Incidents of National Significance.

Sec. 202. Information tracking and follow-up system.

Sec. 203. Immediate Disaster Assistance program.

Sec. 204. Increased deferment period.

Sec. 205. Revised repayment terms.

Sec. 206. Revised disbursement process.

Sec. 207. Revised collateral requirements.

Sec. 208. Enhanced lending authority for private lenders.

Sec. 209. Disaster processing redundancy.

Sec. 210. Grant program.

Sec. 211. Waiver of prohibition on duplication of certain benefits.

Sec. 212. Increase legislative limit.

Sec. 213. Net earnings clauses prohibited.

Sec. 214. Economic injury disaster loans to non-profits.

Sec. 215. Applicants that will constitute a major source of employment due to changed economic circumstances.

Sec. 216. Preliminary application process for assistance for small business concerns with essential employees ordered to serve on active duty in the Armed Forces.

Sec. 217. Economic injury disaster loans in cases of ice storms and blizzards.

Sec. 218. Economic injury disaster loans for businesses affected by lack of snowfall.

##### TITLE III—OVERSIGHT

Sec. 301. Reports on disaster assistance.



**TITLE I—PLANNING****SEC. 101. COMPREHENSIVE DISASTER RESPONSE PLAN.**

The Small Business Act is amended by redesignating section 37 as section 99 and by inserting after section 36 the following:

**“SEC. 37. COMPREHENSIVE DISASTER RESPONSE PLAN.**

“(a) **PLAN REQUIRED.**—The Administrator shall develop, implement, and maintain a comprehensive written disaster response plan. The plan shall include the following:

“(1) For each region of the Administration, a description of the disasters most likely to occur in that region.

“(2) For each disaster described under paragraph (1)—

“(A) an assessment of the disaster;

“(B) an assessment of the demand for Administration assistance most likely to occur in response to the disaster;

“(C) an assessment of the needs of the Administration, with respect to such resources as information technology, telecommunications, human resources, and office space, to meet the demand referred to in subparagraph (B); and

“(D) guidelines pursuant to which the Administration will coordinate with other Federal agencies and with State and local authorities to best respond to the demand referred to in subparagraph (B) and to best use the resources referred to in that subparagraph.

“(b) **COMPLETION; REVISION.**—The first plan required by subsection (a) shall be completed not later than 180 days after the date of the enactment of this section. Thereafter, the Administrator shall update the plan on an annual basis and following any incident of national significance (as declared by the President or his designee).

“(c) **KNOWLEDGE REQUIRED.**—The Administrator shall carry out subsections (a) and (b) through an individual with substantial knowledge in the field of disaster readiness and emergency response.

“(d) **REPORT.**—The Administrator shall include a report on the plan whenever the Administrator submits the report required by section 47(a).”.

**SEC. 102. ANNUAL DISASTER SIMULATION EXERCISE.**

The Small Business Act is amended by inserting after section 37 (as added by section 101) the following:

**“SEC. 38. ANNUAL DISASTER SIMULATION EXERCISE.**

“(a) **EXERCISE REQUIRED.**—The Administrator shall conduct a disaster simulation exercise at least once each fiscal year. The exercise shall include the participation of, at a minimum, not less than half of the individuals in the disaster reserve corps and shall test, at maximum capacity, all of the information technology and telecommunications systems of the Administration that are vital to the activities of the Administration during such a disaster.

“(b) **REPORT.**—The Administrator shall include a report on the disaster simulation exercise whenever the Administration submits the report required by section 47(a).”.

**SEC. 103. DISASTER RESERVE CORPS.**

The Small Business Act is amended by inserting after section 38 (as added by section 102) the following:

**“SEC. 39. DISASTER RESERVE CORPS.**

“(a) **CORPS REQUIRED.**—The Administrator shall maintain within the Administration a disaster reserve corps, the purpose of which is to perform the functions of the Administration related to disaster response. The corps shall consist of at least 1,000 individuals, each of whom—

“(1) does not ordinarily have the duties of a full-time officer or employee of the Administration; but

“(2) is able to assume duties related to disaster response when the Administrator so requires.

“(b) **TRAINING.**—The Administrator shall ensure that each individual in the corps receives

training each year in one or more functions relating to disaster response. To the maximum extent practicable, the function in which an individual is trained in one year shall be different from the function in which the individual was trained in prior years.

“(c) **GEOGRAPHIC DISTRIBUTION.**—The Administrator shall ensure that not more than 30 percent of the individuals in the corps reside in any one region of the Administration.

“(d) **REPORT.**—The Administrator shall include a report on the corps whenever the Administration submits the report required by section 47(a).”.

**SEC. 104. PLANS TO SECURE ADDITIONAL OFFICE SPACE.**

The Small Business Act is amended by inserting after section 39 (as added by section 103) the following:

**“SEC. 40. PLANS TO SECURE ADDITIONAL OFFICE SPACE.**

“(a) **PLANS REQUIRED.**—The Administrator shall develop long-term plans to secure additional office space to accommodate an expanded workforce in times of disaster.

“(b) **REPORT.**—The Administrator shall include a report on the plans whenever the Administration submits the report required by section 47(a).”.

**SEC. 105. COORDINATION OF DISASTER ASSISTANCE PROGRAMS WITH FEMA.**

The Small Business Act is amended by inserting after section 40 (as added by section 104) the following:

**“SEC. 41. COORDINATION OF DISASTER ASSISTANCE PROGRAMS WITH FEMA.**

“(a) **COORDINATION REQUIRED.**—The Administrator shall ensure that the disaster assistance programs of the Administration are coordinated, to the maximum extent practicable, with the disaster assistance programs of the Federal Emergency Management Agency.

“(b) **REGULATIONS REQUIRED.**—The Administrator, in consultation with the Director of the Federal Emergency Management Agency, shall establish regulations to ensure that each application for disaster assistance is submitted as quickly as practicable to the Administration or directed to the appropriate agency under the circumstances.

“(c) **COMPLETION; REVISION.**—The initial regulations shall be completed not later than 270 days after the date of the enactment of this section. Thereafter, the regulations shall be revised on an annual basis.

“(d) **REPORT.**—The Administrator shall include a report on the regulations whenever the Administration submits the report required by section 47(a).”.

**SEC. 106. ASSOCIATE ADMINISTRATOR FOR DISASTER ASSISTANCE.**

The Small Business Act is amended by inserting after section 41 (as added by section 105) the following:

**“SEC. 42. ASSOCIATE ADMINISTRATOR FOR DISASTER ASSISTANCE.**

“(a) **IN GENERAL.**—There is established in the Administration an Associate Administrator for Disaster Assistance, appointed by the President by and with the advice and consent of the Senate, from among individuals who have—

“(1) proven management ability; and

“(2) substantial knowledge in the field of disaster readiness and emergency response.

“(b) **DIRECTOR OF DISASTER PLANNING.**—

“(1) **APPOINTMENT.**—There is established in the Administration a Director for Disaster Planning, appointed by the Administrator from among the personnel of the Administration.

“(2) **DUTIES.**—Subject to the authority, direction, and control of the Associate Administrator for Disaster Assistance, the Director shall—

“(A) develop and implement the Administration's plans for responding to disasters; and

“(B) direct the Administration's training exercises with respect to disasters.

“(3) **COORDINATION.**—In carrying out the duties under paragraph (2), the Director shall coordinate with—

“(A) the Associate Administrator for the Office of Disaster Assistance of the Administration;

“(B) the Director of the Federal Emergency Management Agency; and

“(C) other Federal, State, and local disaster planning offices, as necessary.

“(c) **DIRECTOR OF DISASTER LENDING.**—

“(1) **APPOINTMENT.**—There is established in the Administration a Director for Disaster Lending, appointed by the Administrator from among the personnel of the Administration.

“(2) **DUTIES.**—Subject to the authority, direction, and control of the Associate Administrator for Disaster Assistance, the Director shall direct all aspects of the disaster lending program under section 7(b).

“(d) **RESOURCES.**—The Administrator shall ensure that the Associate Administrator for Disaster Assistance, the Director of Disaster Planning, and the Director of Disaster Lending have adequate resources to carry out the duties under this section.”.

**TITLE II—LENDING****SEC. 201. INCIDENTS OF NATIONAL SIGNIFICANCE.**

(a) **DISASTER LOANS TO PRIVATE NONPROFIT ORGANIZATIONS.**—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended—

(1) in subparagraph (D) by striking the period at the end and inserting “; or”; and

(2) by inserting after subparagraph (D) the following:

“(E) an incident of national significance, as declared by the President or his designee, in which case assistance under this paragraph may be provided, subject to the other applicable requirements of this paragraph, to a private nonprofit organization (as that term is defined in section 29(a)(2)) that is located in an area affected by the incident of national significance.”.

(b) **MITIGATION LOANS TO SMALL BUSINESS CONCERNS.**—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by inserting after subsection (d) the following:

“(e) **DISASTER MITIGATION LOANS.**—

“(1) **AUTHORITY.**—The Administrator may make or guarantee a mitigation loan to a small business concern that receives a loan under section 7(b)(1)(A) for the damage or destruction, by reason of an incident of national significance (as declared by the President or his designee), of property owned by the small business concern.

“(2) **AMOUNT OF LOAN.**—The amount of a loan under paragraph (1) shall not exceed 20 percent of the total amount of the cost of the damage or destruction referred to in paragraph (1). The total amount shall be calculated without regard for any costs for which the small business concern is reimbursed under any insurance policy or otherwise.”.

(c) **APPLICABILITY FOR FISCAL YEAR 2006 TO HURRICANES KATRINA, RITA, AND WILMA.**—

(1) **IN GENERAL.**—For fiscal year 2006, the Administrator—

(A) may carry out subsection (e) of section 7 of the Small Business Act (as added by subsection (b) of this section) with respect to a private nonprofit organization that was located, as of August 28, 2005, in a hurricane-affected area; and

(B) may carry out such subsection (e) with respect to a small business concern that was located, as of August 28, 2005, in a hurricane-affected area, for damage or destruction by reason of Hurricane Katrina, Hurricane Rita, or Hurricane Wilma.

(2) **HURRICANE-AFFECTED AREA DEFINED.**—In this section, the term “hurricane-affected area” means a county or parish in the State of Alabama, Florida, Mississippi, Louisiana, or Texas, that has been designated by the Administrator of the Small Business Administration as a disaster area by reason of Hurricane Katrina, Hurricane Rita, or Hurricane Wilma under disaster declaration 10176, 10177, 10178, 10179, 10180, 10181, 10203, 10204, 10205, 10206, 10222, or 10223.

**SEC. 202. INFORMATION TRACKING AND FOLLOW-UP SYSTEM.**

The Small Business Act is amended by inserting after section 42 (as added by section 106) the following:

**“SEC. 43. INFORMATION TRACKING AND FOLLOW-UP SYSTEM FOR DISASTER ASSISTANCE.**

“(a) **SYSTEM REQUIRED.**—The Administrator shall develop, implement, and maintain a centralized information system to track communications between personnel of the Administration and applicants for disaster assistance. The system shall ensure that whenever an applicant for disaster assistance communicates with such personnel on a matter relating to the application, the following information is recorded:

“(1) The method of communication.

“(2) The date of communication.

“(3) The identity of the personnel.

“(4) A summary of the subject matter of the communication.

“(b) **FOLLOW-UP REQUIRED.**—The Administrator shall ensure that an applicant for disaster assistance receives, by telephone, mail, or electronic mail, follow-up communications from the Administration at all critical stages of the application process, including the following:

“(1) When the Administration determines that additional information or documentation is required to process the application.

“(2) When the Administration determines whether to approve or deny the loan.

“(3) When the primary contact person managing the loan application has changed.”.

**SEC. 203. IMMEDIATE DISASTER ASSISTANCE PROGRAM.**

The Small Business Act is amended by inserting after section 43 (as added by section 202) the following:

**“SEC. 44. IMMEDIATE DISASTER ASSISTANCE PROGRAM.**

“(a) **PROGRAM REQUIRED.**—The Administrator shall carry out a program, to be known as the Immediate Disaster Assistance program, under which the Administration participates on a deferred (guaranteed) basis in 85 percent of the balance of the financing outstanding at the time of disbursement of the loan if such balance is less than or equal to \$25,000 for businesses affected by a disaster.

“(b) **ELIGIBILITY REQUIREMENT.**—To receive a loan guaranteed under subsection (a), the applicant must also apply for, and meet basic eligibility standards for, a loan under section 7(b).

“(c) **USE OF PROCEEDS.**—A person who receives a loan under section 7(b) must use the proceeds of that loan to repay all loans guaranteed under subsection (a), if any, before using the proceeds for any other purpose.

“(d) **APPROVAL OR DISAPPROVAL.**—The Administrator shall ensure that each applicant for a loan under the program receives a decision approving or disapproving of the application within 36 hours after the Administration receives the application.”.

**SEC. 204. INCREASED DEFERMENT PERIOD.**

Section 7 of the Small Business Act (15 U.S.C. 636) is amended by inserting after subsection (e) (as added by section 201(b)) the following:

“(f) **ADDITIONAL REQUIREMENTS FOR 7(b) LOANS.**—

“(1) **INCREASED DEFERMENT AUTHORIZED.**—

“(A) **IN GENERAL.**—In making loans under section 7(b), the Administrator may provide, to the person receiving the loan, an option to defer repayment on the loan.

“(B) **PERIOD.**—A deferment under subparagraph (A) may not exceed 4 years.”.

**SEC. 205. REVISED REPAYMENT TERMS.**

Section 7 of the Small Business Act (15 U.S.C. 636) is amended in subsection (f) by adding after paragraph (1) (as added by section 204) the following:

“(2) **REVISED REPAYMENT TERMS.**—In making loans under section 7(b), the Administrator—

“(A) shall not require repayment to be made until 12 months after the date on which the

final disbursement of approved amounts is made; and

“(B) shall calculate the amount of repayment based solely on the amounts disbursed.”.

**SEC. 206. REVISED DISBURSEMENT PROCESS.**

Section 7 of the Small Business Act (15 U.S.C. 636) is amended in subsection (f) by adding after paragraph (2) (as added by section 205) the following:

“(3) **REVISED DISBURSEMENT PROCESS.**—In making loans under section 7(b), the Administrator shall disburse the loan amounts in stages as follows:

“(A) **LOANS UP TO \$150,000.**—If the total amount approved is less than or equal to \$150,000—

“(i) the first disbursement shall consist of 40 percent of the total loan amount, or a lesser percentage of the total loan amount if the Administrator and the borrower agree on such a lesser percentage;

“(ii) the second disbursement shall consist of 50 percent of the amounts that remain after the first disbursement, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first half of the first disbursement; and

“(iii) the third disbursement shall consist of the amounts that remain after the preceding disbursements, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first disbursement and the first half of the second disbursement.

“(B) **LOANS FROM \$150,000 TO \$500,000.**—If the total amount approved is more than \$150,000 but less than or equal to \$500,000—

“(i) the first disbursement shall consist of 20 percent of the total loan amount, or a lesser percentage if the Administrator and the borrower agree on such a lesser percentage;

“(ii) the second disbursement shall consist of 30 percent of the total loan amount remaining after the first disbursement, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first half of the first disbursement;

“(iii) the third disbursement shall consist of 25 percent of the total loan amount remaining after the first and second disbursements, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first disbursement and the first half of the second disbursement; and

“(iv) the fourth disbursement shall consist of the amounts that remain after the preceding disbursements, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first and second disbursements and the first half of the third disbursement.

“(C) **LOANS GREATER THAN \$500,000.**—If the total amount approved is more than \$500,000—

“(i) the first disbursement shall consist of at least \$100,000, or a lesser amount if the Administrator and the borrower agree on such a lesser amount; and

“(ii) the number of disbursements after the first, and the amount of each such disbursement, shall be in the discretion of the Administrator, but the amount of each such disbursement shall be not less than \$100,000.”.

**SEC. 207. REVISED COLLATERAL REQUIREMENTS.**

Section 7 of the Small Business Act is amended in subsection (f) by adding after paragraph (3) (as added by section 206) the following:

“(4) **REVISED COLLATERAL REQUIREMENTS.**—In making a business loan under section 7(b), the total approved amount of which is less than or equal to \$100,000, the Administrator shall not require the borrower to use the borrower's home as collateral.”.

**SEC. 208. ENHANCED LENDING AUTHORITY FOR PRIVATE LENDERS.**

The Small Business Act is amended by inserting after section 44 (as added by section 203) the following:

**“SEC. 45. ENHANCED LENDING AUTHORITY FOR PRIVATE LENDERS.**

“(a) **PROGRAM AUTHORIZED.**—The Administrator may, and during a period specified in subsection (b) shall, carry out a program under which the Administrator permits banks and other financial institutions to process, approve, close, and service disaster loans under section 7(b) for a fee not to exceed 2 percent of the total loan amount.

“(b) **PERIODS DURING WHICH PROGRAM IS REQUIRED.**—The program under subsection (a) is required to be carried out during the following periods:

“(1) Any period of an incident of national significance (as declared by the President or his designee).

“(2) Any period during which the average time for the Administration to approve disaster loans in response to any single disaster is 30 days or more.

“(c) **EXCLUSION OF LENDERS.**—If the number or rate of defaults on loans processed, approved, and closed by a lender under the program under subsection (a) are inordinate, as determined by the Administrator, the Administrator may do any one or more of the following:

“(1) Exclude the lender from participating in the program under subsection (a).

“(2) Exclude the lender from participating in the Preferred Lenders Program under section 7(a)(2)(C)(ii).

“(d) **FACTOR IN PREFERRED LENDERS PROGRAM.**—In determining whether a lender is to be certified or recertified to participate in the Preferred Lenders Program under section 7(a)(2)(C)(ii), the Administrator may consider as a factor the following:

“(1) The loans processed, approved, and closed by the lender under the program under subsection (a).

“(2) The participation or non-participation of the lender in the program under subsection (a).”.

**SEC. 209. DISASTER PROCESSING REDUNDANCY.**

The Small Business Act is amended by inserting after section 45 (as added by section 208) the following:

**“SEC. 46. DISASTER PROCESSING REDUNDANCY.**

“(a) **IN GENERAL.**—The Administrator shall ensure that the Administration has in place a facility for disaster loan processing that, whenever the Administration's primary facility for disaster loan processing becomes unavailable, is able to take over all disaster loan processing from that primary facility within 2 days.

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary.”.

**SEC. 210. GRANT PROGRAM.**

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

“(4) **GRANTS TO DISASTER-AFFECTED SMALL BUSINESSES.**—

“(A) **IN GENERAL.**—The Administrator may make a grant of up to \$100,000 to a small business concern that—

“(i) was located in a designated disaster area affected by disaster declaration 10176, 10177, 10178, 10179, 10180, 10181, 10203, 10204, 10205, 10206, 10222, or 10233, and was located in a county or parish that, as a result of Hurricanes Katrina, Rita, or Wilma of 2005, experienced a loss of at least 100 housing units, experienced a loss of at least 1 percent of available housing stock, and required Federal infrastructure assistance of a least \$200,000;

“(ii) submits to the Administrator a certification by the owner of the concern of intent to reestablish the concern in the same county or parish in which the business was originally located, or in any other county or parish described in clause (i);

“(iii) has applied for, and was rejected for, a conventional disaster assistance loan under section 7(b); and

“(iv) was in existence for at least 2 years before the date on which the applicable disaster declaration was made.

“(B) PRIORITY.—In making grants under this paragraph, the Administrator shall give priority to a small business concern that the Administrator determines is economically viable but unable to meet short-term financial obligations.

“(C) DEFINITION.—In this paragraph, the term ‘disaster-affected area’ means an area that has been designated by the Administrator as a disaster area.

“(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this paragraph such funds as may be necessary.”.

#### SEC. 211. HURRICANE ASSISTANCE REPLACEMENT GRANT PROGRAM.

(a) PROGRAM ESTABLISHED.—The Administrator may carry out a program under which the Administrator may, in the Administrator’s discretion, make grants to individuals who—

(1) are victims of a disaster under disaster declaration 10176, 10177, 10178, 10179, 10180, 10181, 10203, 10204, 10205, 10206, 10222, or 10223; and

(2) receive (whether before, on, or after the date of the enactment of this Act) 7(b) disaster assistance because of that disaster.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(c) ELIGIBILITY.—An individual is eligible to receive a grant under this section only if the individual—

(1) receives benefits (other than the 7(b) disaster assistance) because of the disaster; and

(2) is required to remit those benefits to the Small Business Administration because of a duplication of benefits.

(d) AMOUNT.—The amount of a grant under this section to an individual shall not exceed the amount of the benefits required to be remitted by the individual, as described in subsection (c).

(e) TIME.—The Administrator shall ensure that, to the maximum extent practicable, a grant made under this section is made—

(1) concurrent with the Administration’s receipt of the remittance, if the remittance is made after the date of the enactment of this Act; and

(2) as soon as possible after the Administration’s receipt of the remittance, in all other cases.

(f) TREATMENT OF GRANTS.—Grants made under this section shall not be considered a duplication of benefits by the Administrator.

(g) DEFINITIONS.—In this section:

(1) The term “Administrator” means the Administrator of the Small Business Administration.

(2) The term “7(b) disaster assistance” means assistance under paragraph (1) or (2) of section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)).

#### SEC. 212. INCREASE LEGISLATIVE LIMIT.

Section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)) is amended by striking “\$1,500,000” and inserting “\$3,000,000” both places such term appears.

#### SEC. 213. NET EARNINGS CLAUSES PROHIBITED.

Section 7 of the Small Business Act is amended in subsection (f) by adding after paragraph (4) (as added by section 207) the following:

“(5) NET EARNINGS CLAUSES PROHIBITED.—In making loans under section 7(b), the Administrator shall not require the borrower to pay any non-amortized amount for the first 5 years after repayment begins.”.

#### SEC. 214. ECONOMIC INJURY DISASTER LOANS TO NONPROFITS.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended in subsection (b)(2)—

(1) in the matter preceding subparagraph (A)—

(A) by inserting after “small business concern” the following: “, private nonprofit organization,”; and

(B) by inserting after “the concern” the following: “, organization,”; and

(2) in subparagraph (D) by inserting after “small business concerns” the following: “, private nonprofit organizations,”.

(b) CONFORMING AMENDMENT.—Such section is further amended in subsection (c)(5)(C) by inserting after “business” the following: “, organization,”.

#### SEC. 215. APPLICANTS THAT WILL CONSTITUTE A MAJOR SOURCE OF EMPLOYMENT DUE TO CHANGED ECONOMIC CIRCUMSTANCES.

Section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)) is amended by inserting after “constitutes” the following: “, or will due to changed economic circumstances constitute,”.

#### SEC. 216. PRELIMINARY APPLICATION PROCESS FOR ASSISTANCE FOR SMALL BUSINESS CONCERNS WITH ESSENTIAL EMPLOYEES ORDERED TO SERVE ON ACTIVE DUTY IN THE ARMED FORCES.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking “90 days” and inserting “1 year”; and

(B) by adding at the end the following: “The Administrator may, when appropriate (as determined by the Administrator), waive the ending date specified in the preceding sentence and provide a later ending date.”; and

(2) by adding at the end the following new subparagraph:

“(G) The Administrator shall establish a process under which a small business concern described in subparagraph (B) may file a preliminary application for assistance under this paragraph, accompanied by supporting documentation, before the date on which the essential employee is ordered to active duty. The Administrator may not actively consider such an application or provide assistance to the small business concern based on such an application until the date on which the essential employee is ordered to active duty.”.

#### SEC. 217. ECONOMIC INJURY DISASTER LOANS IN CASES OF ICE STORMS AND BLIZZARDS.

Section 3(k)(2) of the Small Business Act (15 U.S.C. 632(k)(2)) is amended—

(1) in subparagraph (A) by striking “and”;

(2) in subparagraph (B) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(C) ice storms and blizzards.”.

#### SEC. 218. REPORT REGARDING LACK OF SNOWFALL.

Not later than 6 months after the date of enactment of this Act, the Administrator of the Small Business Administration shall conduct a study of, and submit a report to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate that describes—

(1) the ability of the Administrator to provide loans under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to small business concerns that depend on high snowfall amounts and sustain economic injury (as described under that section) due to a lack of snowfall;

(2) the criteria the Administrator would use to determine whether to provide a loan under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to a small business concern that has been adversely affected by a lack of snowfall;

(3) other Federal assistance (including loans) available to small business concerns that are adversely affected by a lack of snowfall; and

(4) the history relating to providing loans under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to small business concerns that have been adversely affected by a lack of snowfall.

### TITLE III—OVERSIGHT

#### SEC. 301. REPORTS ON DISASTER ASSISTANCE.

The Small Business Act is amended by inserting after section 46 (as added by section 209) the following:

#### “SEC. 47. REPORTS ON DISASTER ASSISTANCE.

“(a) ANNUAL REPORT REQUIRED.—Not later than 45 days after the end of a fiscal year, the Administrator shall submit to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives a report on the disaster assistance operations of the Administration for that fiscal year. The report shall—

“(1) specify the number of Administration personnel involved in such operations;

“(2) describe any material changes to those operations, such as changes to technologies used or to personnel responsibilities;

“(3) describe and assess the effectiveness of the Administration in responding to disasters during that fiscal year, including a description of the number and amounts of loans made for damage and for economic injury; and

“(4) describe the plans of the Administration for preparing to respond to disasters during the next fiscal year.

“(b) INCIDENTS OF NATIONAL SIGNIFICANCE.—During the period of an incident of national significance (as declared by the President or his designee), the Administrator shall, on a monthly basis, submit to the committees specified in subsection (a) a report on the disaster assistance operations of the Administration with respect to that incident of national significance. The report shall specify—

“(1) the number of applications distributed;

“(2) the number of applications received;

“(3) the average time for the Administration to approve or disapprove an application;

“(4) the amount of disaster loans approved;

“(5) the average time for initial disbursement of loan proceeds; and

“(6) the amount of disaster loan proceeds disbursed.”.

The CHAIRMAN. No further amendment to the committee amendment is in order except those printed in part B of the report. Each further amendment may be offered only in the order printed in the report by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. CHABOT

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 110-97.

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. CHABOT:  
Strike section 211.

□ 1510

The CHAIRMAN. Pursuant to House Resolution 302, the gentleman from Ohio (Mr. CHABOT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

This amendment is really rather simple. It just strikes section 211 of the bill as amended by the manager’s amendment. Even though the manager’s amendment addresses the direct cost provision of the original section as

determined by the CBO score, section 211 still is fraught with one major problem. And that is that it allows double compensation for the same injury or destruction or problem that the person had.

As I understand section 211 in the manager's amendment, here is how that provision operates: For example, a homeowner applies for a physical disaster loan from the SBA for, say, \$100,000. The homeowner then receives a grant from the State for \$50,000 for the same destruction. Under existing law, the homeowner would have to immediately pay back \$50,000 of the SBA loan because the SBA loan only covers amounts not otherwise compensated for through some other financial resource. Typically, that is insurance, but it does not have to be. Section 211 does not change the requirement that the homeowner would have to pay down the \$50,000 in the disaster loan. Instead, section 211 would then allow the homeowner to apply for a grant from the SBA to replace the same amount of money that they had just paid to the SBA to reduce their loan.

Now you are probably asking yourself why go through this convoluted process. Well, this is the only way for the majority to obtain a program that does not require direct spending, and therefore, it gets around the PAYGO problem. But even though this is an improvement over the bill as reported out of the committee because it has no direct spending and therefore is in compliance with PAYGO, it remains fundamentally flawed.

The disaster loan program is just that: the Federal Government's program designed to provide redress to those homeowners and small businesses injured in a disaster. And it is important to note that the vast majority of loan recipients, both businesses and homeowners, receive loans at heavily subsidized interest rates of 3 or 4 percent interest. It is not a grant program and was never designed to be a grant program. The interest rate subsidy, a 30-year term, and the SBA's authority to suspend payment on principal and interest constitute the compensation needed to rebuild many areas, from Chatsworth in California to Homestead in Florida.

Now, section 211 of H.R. 1361 has the recipient of a disaster loan obtaining a grant from a source other than the SBA, using that money to pay off all or a portion of the SBA disaster loan, and then apply to the SBA for a grant to replace the grant money that the recipient of the disaster loan just paid the SBA. And, again, I know this sounds very convoluted. In essence, there is a determination that double compensation is needed because the rather robust compensation already included in the Small Business Act and sufficient for other disasters is insufficient compensation. It is also important to note that, for victims of Hurricane Katrina, there are billions of other dollars that have been made

available to assist these victims on an ad hoc basis, yet it is never enough. And this bill indicates that.

Now comes section 211 of H.R. 1361 in a clear effort to ensure that victims of Hurricanes Katrina, Wilma and Rita receive double compensation. This raises two distinct questions. First, why do victims of these three hurricanes get special treatment of double compensation, and why should not other disaster victims get double compensation? Yes, Katrina was a tragedy, but so were Hurricane Andrew and Hurricane Charley and the attacks of September 11, for example. This seems incredibly arbitrary to select only those three disasters for something as unusual as double compensation.

Second and far more important is the concept, as I indicated, of double compensation. It has been a longstanding tradition of American jurisprudence that a party shall not receive double compensation for the same injury. That concept is codified in the disaster loan provisions of the Small Business Act by prohibiting the SBA from issuing a loan for amounts already compensated for by insurance or other means. Thus under current law, a disaster loan applicant cannot get an insurance claim for \$100,000 for a \$100,000 loss and also get an SBA disaster loan for the same amount of money.

Mr. Chairman, I ask that Members support this amendment. It is fiscally responsible and continues to recognize that individuals should not be granted double compensation.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman from New York is recognized for 5 minutes.

Ms. VELÁZQUEZ. Mr. Chairman, for the overwhelming majority of disaster victims, the problem wasn't that the Federal Government gave them too much assistance but that they weren't provided with enough. We heard from disaster victims about how the Federal Government was its own worst enemy, giving money to victims on the one hand through state-administered grant programs, then taking it away.

The prohibition on "duplication of benefits" was originally established to prevent disaster victims from double dipping. But this can only happen if assistance is given out in the first place. Many disaster victims have been waiting for 18 months and are still waiting today.

H.R. 1361 gives the SBA the flexibility to break from its overly rigid statutory prohibition. Most importantly, however, this provision has been narrowly tailored to ensure that it will only apply for victims of the 2005 hurricanes. It does not carry forward to future disasters and will only be implemented if the administrator feels it is necessary. It is not a requirement.

This amendment will strike that flexibility from the legislation, leaving

disaster victims subject to the unworkable standards that currently exist in the statute.

Mr. Chairman, I now yield 1 minute to the gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. Mr. Chairman, I thank the gentlewoman for yielding.

The flaw in Mr. CHABOT's argument and in this amendment is that the present statute automatically assumes in every instance where one receives a grant and a loan that there is double dipping. That is just not true. In the case where there is double dipping that is true double dipping, this bill permits the administrator to make a decision about that and to prevent it. In a case where there has been an insurance award, one would assume the SBA would not make a disaster loan award if there is sufficient insurance. Only in a case where the insurance isn't sufficient will we assume that the loan would be justified.

So fundamentally here what we are doing is taking away the automatic assumption that is built into this law that, every time you receive a payment of this or that nature, it is a double dip. We remove that notion from the statute and put in place a more reasonable and commonsensical one and one that gives the administrator flexibility where he determines whether or not a double dip may take place. If it doesn't, then he permits the victim of the storm to receive the award. If it is, then, of course, he denies it.

So I think there is no danger here of double dipping in this bill. None of us agree to double dipping in this bill.

Ms. VELÁZQUEZ. Mr. Chairman, I yield the balance of my time to the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. Mr. Chairman, I thank the gentlewoman for yielding time.

I wish to express concern about the operative effects of the gentleman's amendment. For many outside the storm impact area, you would not have an understanding of how processes work. But if you were eligible under the Road Home program, that was the federally funded program to assist people to return to their homes, the maximum allowable money that you could receive regardless of your circumstance was \$150,000. But under current rule, if you are eligible for \$150,000 and you, for example, had purchased Federal flood insurance in the amount of \$150,000 and got paid \$150,000 pursuant to the flood insurance premium, you would get nothing out of the Road Home program. Because of that inequitable application of benefits, this House has already voted to eliminate the duplication of benefits in the flood insurance area.

Now what is being suggested by the underlying bill is we should do the same thing with regard to an SBA loan. The argument here is even more persuasive. The person may have entered into the SBA obligation far in advance of the onslaught of Katrina. It

might be several hundred thousand dollars of loans that were made available to this individual through the SBA.

□ 1520

Under the current rule, any assistance that might be offered to that homeowner who happened to have the SBA loan would all go back to repaying the SBA obligation.

So get the picture. The Federal Government puts a stamp on the check, drops it in the mailbox and sends it to the house. But before it gets there, another Federal agent picks it up and hauls it over and deposits it at the SBA. Do you see where the hole is in this argument? No money at all gets to the affected individual.

So what the bill now provides is that without increasing the overall expenditure, the money made available to assist people via Katrina and Rita has been appropriated by the Congress. It is over, that is it. We are talking about available resources, not new dollars.

Secondly, once the money gets to the individual, the individual is still capped by the rules of the Road Home program, and that is, there shall be no enrichment above that \$150,000 level. This is a reasonable proposal. It will enable people to recover appropriately from the disaster which is so overwhelming.

I suggest if any still have doubt whether this level of assistance is required and justifiable, walk the streets of New Orleans, as I did this past weekend. Sure, the business district and the French Quarter look terrific. The shops are empty, the restaurants aren't full and people are not coming back. But get out into the neighborhoods where the devastation still exists. We need this help, and we need it now.

Mr. CHABOT. Mr. Chairman, I yield the balance of my time to the gentleman from Missouri (Mr. AKIN).

The CHAIRMAN. The gentleman from Missouri is recognized for 15 seconds.

Mr. AKIN. Mr. Chairman, our concern, and this could have been clarified, but the majority party has chosen not to clarify it, our problem is the question about the fact that somebody could be compensated multiple times for the same damage. That just is plain old double dipping. That is something that could have been simplified with an amendment.

So I oppose the bill.

The CHAIRMAN. All time for debate having expired, the question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. CHABOT

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 110-97.

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CHABOT:  
Strike section 210.

The CHAIRMAN. Pursuant to House Resolution 302, the gentleman from Ohio (Mr. CHABOT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is very straightforward. It strikes section 210 of the bill. Section 210 authorizes the administrator to issue grants of up to \$100,000 to small businesses located in areas affected by Hurricanes Katrina, Rita and Wilma, but only if the business was denied a disaster loan by the SBA.

This is really, in my view, the height of fiscal irresponsibility. The SBA's determination of whether to grant a disaster loan is based on its determination of reasonable assurance that you can repay your loan, which is a direct quote from the SBA's rules found in the Code of Federal Regulations. Thus, if the SBA has denied a business a disaster loan, it already has determined that it is unlikely, for whatever reason, to repay the loan. In other words, its capacity as a viable business is seriously called into question.

Section 210 provides that despite this determination, the Federal Government should create a grant program of up to \$100,000 to help small businesses whose survivability was highly improbable to survive in the first place.

Again, the SBA has indicated that they don't think this business is viable, that it is going to survive, and then we are going to turn around and give them up to \$100,000. It is just not fiscally responsible.

To fully fund all of those eligible, CBO estimates that the costs could be up to \$180 million. I want to repeat that: \$180 million we are talking about here. This seems again fiscally irresponsible, to fund grants when the SBA already has determined that the businesses are not likely to survive.

It also remains unclear whether the grants will be sufficient to satisfy the needs of small businesses. How many will be able to survive on a grant of \$100,000 if they could not repay a disaster loan of that amount? CBO did not answer that question, but I suspect very few of these businesses will survive.

Although the provision is written to include all small businesses affected by Hurricanes Katrina, Rita and Wilma, there are limitations on which businesses can apply based on the amount of housing stock in a county or parish that is damaged. It is highly likely that only small businesses in Louisiana will qualify. Was this done to reduce costs? If so, why are only Louisiana

businesses favored? Were not many small businesses throughout the region devastated by these hurricanes? It seems patently unfair to single out certain businesses for a very generous grant program.

Mr. Chairman, I ask that Members support this amendment. To do otherwise, in my view, is just not a fiscally responsible stand to take. Again, every Member has to stand according to their own vote, and I am sure we will determine this based upon what they consider to be its merits.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman from New York is recognized for 5 minutes.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment will eliminate an important tool for helping otherwise viable businesses rebuild. These businesses need financial assistance that the disaster loan program cannot provide.

The committee has heard victims and experts testify that the SBA's current disaster loan program has been inadequate to help. Largely, this has been the result of pursuing a one-size-fits-all approach to SBA disaster assistance. If the SBA is to be successful in responding to catastrophic disasters, the agency must have tools that are more responsive to victims' needs. The limited grant program in this bill will provide SBA with the authority to help the most severely affected small businesses damaged by Hurricanes Katrina, Rita and Wilma.

This has been very narrowly tailored to ensure that grants only go to businesses located in communities most in need. Only a small number of businesses are expected to meet the requirements for one of these grants. If the administrator feels that grants are inappropriate, he will not need to exercise this authority. Furthermore, this program will not be carried forward to future disasters.

This is an extraordinary tool to address an extraordinary situation, and this is a leading reason why this measure enjoys bipartisan support.

I urge opposition to this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CHABOT. Mr. Chairman, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield the balance of my time to the gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Chairman, I thank the chairwoman for yielding.

Mr. Chairman, this bill has the potential to help thousands of small businesses and business owners still struggling to recover from these hurricanes that devastated the U.S. gulf coast.

I rise today in opposition to this amendment. After surviving Hurricanes Katrina and Rita, two of the

worst natural disasters in our country's history, the citizens of the gulf coast were then faced with a man-made disaster, one of the most disorganized, chaotic Federal responses that anyone has ever seen. Many of the Federal agencies that were created to help these people recover wound up making matters worse. One of these agencies was the SBA.

After these storms, 81,000 businesses were economically impacted. Over 18,000 were completely or severely destroyed. Astonishingly, however, following these hurricanes, only 38 percent of small business disaster loans were approved. In hearings, the SBA admitted that after "typical" disasters, they approved 60 percent of these business loans. After Katrina and Rita, conversely, over 60 percent did not receive SBA assistance and were left with nowhere to turn for help.

One of the many reasons that the SBA failed the people of the gulf coast was because it did not have the proper tools nor the flexibility it needed to sufficiently and adequately address the demands caused by the extraordinary storms. These were unprecedented natural disasters and they called for unprecedented response. This was not a one-size-fits-all storm, as my colleagues on the other side of the aisle seem to perceive.

□ 1530

In the resourceful, self-sufficient economy of south Louisiana and Mississippi, small businesses are the lifeblood of the local economy. Many of these mom-and-pop shops are homegrown and family-run businesses, such as those in the shrimp industry in south Louisiana and Mississippi that do not fit the traditional mold of current SBA loan qualifications. These are the businesses that are being denied assistance, yet these are the businesses that are the local economy's most critical assets. I am a fiscal conservative, but this policy is ridiculous. It's dooming the recovery to failure, and it's time that we correct it.

To these business owners, these grants are critical investment capital which will help them pay utilities, keep the lights on, rent to keep the doors open and new equipment expenses to continue to recover and grow despite the incredibly difficult business climate that continues to persist in this area. Without this grant program, these small businesses will remain too debt-burdened to take the next decisive step required to move from recovery to rebuilding.

I strongly urge my colleagues to oppose this amendment today. Help these small businesses along the gulf coast get back on their feet and help America be the proud Nation that it should be.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. JINDAL

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 110-97.

Mr. JINDAL. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. JINDAL:

Page 14, line 20, insert "(a) IN GENERAL.—"before "Section 7".

Page 15, after line 6, insert the following:

(b) RETROACTIVE APPLICATION VICTIMS OF HURRICANES KATRINA, RITA, AND WILMA.—

(1) IN GENERAL.—Section 7(f)(1) of the Small Business Act (as added by subsection (a)) applies retroactively to any loan under section 7(b) of that Act that was made—

(A) in response to Hurricane Katrina, Hurricane Rita, or Hurricane Wilma of 2005; and  
(B) for a small business located in a county or parish designated by the Administrator of the Small Business Administration as a disaster area by reason of such Hurricane Katrina, Hurricane Rita, or Hurricane Wilma, as applicable.

(2) DISCLOSURE OF ACCRUED INTEREST.—Whenever the Administrator provides an option to defer repayment under paragraph (1), the Administrator shall disclose the accrued interest that must be paid under the option.

The CHAIRMAN. Pursuant to House Resolution 302, the gentleman from Louisiana (Mr. JINDAL) and a Member opposed each will control 5 minutes.

AMENDMENT, AS MODIFIED, OFFERED BY MR.

JINDAL

Mr. JINDAL. Mr. Chairman, I ask unanimous consent to modify my amendment.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Amendment, as modified, offered by Mr. JINDAL:

At the end of title II, insert the following:  
**SEC. 219. GULF COAST DISASTER LOAN REFINANCING PROGRAM.**

(a) IN GENERAL.—The Administrator of the Small Business Administration may carry out a program to refinance Gulf Coast disaster loans.

(b) TERMS.—The terms of a Gulf Coast disaster loan refinanced under the program shall be identical to the terms of the original loan, except that the Administrator may provide an option to defer repayment on the loan. Such a deferment may not exceed 4 years after the date on which the initial disbursement under the original loan was made.

(c) AMOUNT.—The amount of a Gulf Coast disaster loan refinanced under the program shall not exceed the amount of the original loan.

(d) DISCLOSURE OF ACCRUED INTEREST.—Whenever the Administrator provides an option to defer repayment under subsection (b), the Administrator shall disclose the accrued interest that must be paid under the option.

(e) DEFINITION.—In this section, the term "Gulf Coast disaster loan" means a loan—

(1) made under section 7(b) of the Small Business Act;

(2) in response to Hurricane Katrina, Hurricane Rita, or Hurricane Wilma of 2005; and

(3) for a small business located in a county or parish designated by the Administrator as a disaster area by reason of such Hurricane Katrina, Hurricane Rita, or Hurricane Wilma under disaster declaration 10176, 10177, 10178, 10179, 10180, 10181, 10203, 10204, 10205, 10206, 10222, or 10223.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Mr. JINDAL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana.

Mr. JINDAL. I want to thank the chairwoman, and I want to thank Ranking Member CHABOT as well for their working together with me. I especially want to thank the committee for helping me with this legislation and for this underlying bill for all they are trying to do and all they are doing to help the small businesses in Louisiana recover from the 2005 hurricanes.

As my colleagues from Louisiana have already pointed out, prior to Hurricanes Katrina and Rita, there were an estimated 347,436 small businesses in Louisiana. These businesses created jobs and income for countless families all across the State. More than 65,000 of the new jobs in Louisiana in the past decade were created by small businesses, and in 2004, over 97 percent of the 96,000 Louisiana firms were small businesses. The devastation caused by the 2005 hurricanes is unprecedented, with total losses, both insured and uninsured, approaching \$140 billion. According to the United States Chamber of Commerce, over 125,000 businesses were disrupted by Hurricanes Katrina and Rita in 2005. In Louisiana alone, over 81,000 small businesses were damaged or economically impacted, with 18,700 businesses catastrophically destroyed by the storms.

As one example, in St. Bernard Parish, one of the Louisiana parishes hardest hit by Hurricane Katrina, only 370 businesses have reopened, far below the total of 1,400 businesses in operation before Katrina. The Nation's small businesses are the backbone of our economy, and when they are devastated by storms like Katrina, Rita and Wilma, we need to do everything possible to help them rebuild and recover.

I am offering an amendment today that builds upon a provision in the underlying bill by providing Hurricanes Katrina, Rita and Wilma disaster victims with the option of receiving a 4-year deferment period to pay back their disaster loans. Section 204 of the underlying bill extends the deferment period to future disaster victims. My



amendment simply applies this option to those severely affected by the 2005 hurricanes. These cash-strapped small businesses are truly in need of repayment flexibility.

My amendment allows the SBA to re-finance the existing Katrina, Rita and Wilma disaster loans under identical loans, but with the added option of deferment of up to 4 years after the date on which the initial disbursement was made. This is a revised version of my original amendment that complies with all the budgetary and PAYGO rules.

By allowing small businesses that received certain small business loans to defer their repayment on those loans, we are freeing up money for these businesses to use for other purposes, such as rebuilding, expanding or continuing to hire new employees. The importance of small business as the gulf coast continues to rebuild cannot be overstated. It is critical that we help small businesses get up and running again and provide the job opportunities people so desperately need in these impacted areas.

I certainly urge my colleagues to support my amendment. Again, I want to thank the chairman and ranking member for their work on the underlying bill and their work with me on this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

Ms. VELÁZQUEZ. While not opposed to the amendment, I ask unanimous consent to claim the time in opposition, and I am prepared to accept the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, I want to thank the gentleman for offering this creative solution to a pressing problem. In our hearings, my committee heard testimony on how individuals affected by the 2005 hurricanes were victimized twice, once by the storm and a second time by the SBA.

The SBA routinely provides disaster victims with a 12-month deferment before requiring repayment on disaster loans. Following the 2005 gulf coast hurricanes, however, the SBA was plagued by lengthy delays and a massive backlog of loan disbursements that has taken months to clear. Now, many disaster victims are scheduled to begin repayment on loan amounts that have yet to be disbursed by the SBA. Clearly, this is an unfair and absurd result that we cannot permit to occur.

The amendment offered by the gentleman from Louisiana would provide the SBA with authority to help those victims who have been negatively affected by its delays in loan processing and disbursement. Most importantly, this amendment preserves the discretion of the administrator in deciding

which situations should have an increased deferment period. This flexibility ensures that this program will only be applied in appropriate situations, and I support the amendment from the gentleman from Louisiana.

At this point, Mr. Chairman, I would like to yield to the gentleman from Louisiana (Mr. JEFFERSON) for any comments he may have.

Mr. JEFFERSON. I thank the gentlelady for yielding.

I also would like to thank the gentleman from Louisiana (Mr. JINDAL) for offering this amendment. If anyone has been to the gulf coast recently, particularly if anyone has been to New Orleans recently, you will see that there are still many businesses that are still shuttered from the storm that happened now going on close to 2 years, and they are not at all ready to begin repaying loan obligations. There are still many obstacles to their recovery. This rightly recognizes that the reality is that these businesses will take a long time to get themselves back together.

It is very important to understand one simple thing here. This is not just a call from the people of our State for humanitarian assistance in the wake of a natural disaster. The Corps has admitted that its negligence in constructing, maintaining and designing our levees is the major reason why our city drowned and why so many businesses were put out of business. And so there is a special responsibility, it seems to me, to make special rules to overcome these problems. I really appreciate this solution that is being offered here because I think it helps to address this extraordinary devastation we have caused in great respect by the action, or lack of action, the negligence, of an agency of our Federal Government.

I thank you for the amendment. I really urge the Members to support it.

Ms. VELÁZQUEZ. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. JINDAL), as modified.

The amendment, as modified, was agreed to.

#### ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 printed in part B by Mr. CHABOT of Ohio.

Amendment No. 2 printed in part B by Mr. CHABOT of Ohio.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

#### AMENDMENT NO. 1 OFFERED BY MR. CHABOT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 1 printed in part B of House Report 110-97 offered by the gentleman from Ohio (Mr. CHABOT) on which further proceedings

were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 246, not voting 14, as follows:

[Roll No. 222]

#### AYES—178

Aderholt	Garrett (NJ)	Musgrave
Akin	Gerlach	Myrick
Bachmann	Gillmor	Neugebauer
Bachus	Gingrey	Nunes
Barrett (SC)	Goode	Paul
Bartlett (MD)	Goodlatte	Pearce
Barton (TX)	Granger	Pence
Biggert	Graves	Peterson (PA)
Billbray	Hall (TX)	Petri
Bilirakis	Hastert	Pickering
Bishop (UT)	Hastings (WA)	Pitts
Blackburn	Hayes	Platts
Blunt	Heller	Price (GA)
Boehner	Hensarling	Pryce (OH)
Bonner	Herger	Putnam
Bono	Hobson	Radanovich
Boozman	Hoekstra	Ramstad
Brown (SC)	Hulshof	Regula
Brown-Waite,	Hunter	Rehberg
Ginny	Inglis (SC)	Reichert
Buchanan	Issa	Reynolds
Burgess	Johnson (IL)	Rogers (AL)
Burton (IN)	Johnson, Sam	Rogers (KY)
Buyer	Jones (NC)	Rogers (MI)
Calvert	Jordan	Rohrabacher
Camp (MI)	Keller	Roskam
Campbell (CA)	King (IA)	Royce
Cannon	King (NY)	Ryan (WI)
Carter	Kingston	Sali
Castle	Kirk	Saxton
Chabot	Kline (MN)	Schmidt
Coble	Knollenberg	Sensenbrenner
Cole (OK)	Kuhl (NY)	Shadegg
Conaway	LaHood	Shays
Crenshaw	Lamborn	Shimkus
Culberson	Latham	Shuster
Davis (KY)	LaTourette	Simpson
Davis, David	Lewis (CA)	Smith (NE)
Davis, Jo Ann	Lewis (KY)	Smith (NJ)
Davis, Tom	Linder	Smith (TX)
Deal (GA)	LoBiondo	Souder
Dent	Lucas	Stearns
Doolittle	Lungren, Daniel	Sullivan
Drake	E.	Tancredo
Dreier	Mack	Terry
Duncan	Manzullo	Thornberry
Ehlers	Marchant	Tiahrt
Emerson	McCarthy (CA)	Tiberi
English (PA)	McCaul (TX)	Upton
Everett	McCotter	Walberg
Fallin	McHenry	Walden (OR)
Feeney	McHugh	Wamp
Flake	McKeon	Weldon (FL)
Forbes	McMorris	Weller
Fortenberry	Rodgers	Whitfield
Fortuno	Mica	Wicker
Fossella	Miller (FL)	Wilson (SC)
Fox	Miller (MI)	Wolf
Franks (AZ)	Miller, Gary	Young (FL)
Frelinghuysen	Moran (KS)	
Gallely	Murphy, Tim	

#### NOES—246

Abercrombie	Berry	Capps
Ackerman	Bishop (GA)	Capuano
Alexander	Bishop (NY)	Cardoza
Allen	Blumenauer	Carnahan
Altmire	Bordallo	Carney
Andrews	Boren	Carson
Arcuri	Boswell	Castor
Baca	Boucher	Chandler
Baird	Boustany	Christensen
Baker	Boyd (FL)	Clarke
Baldwin	Boyd (KS)	Clay
Barrow	Brady (TX)	Cleaver
Bean	Braley (IA)	Clyburn
Becerra	Brown, Corrine	Cohen
Berkley	Butterfield	Conyers
Berman	Capito	Costa

Costello	Kagen	Price (NC)
Courtney	Kanjorski	Rahall
Cramer	Kaptur	Rangel
Crowley	Kennedy	Renzi
Cubin	Kildee	Reyes
Cuellar	Kilpatrick	Rodriguez
Cummings	Kind	Ros-Lehtinen
Davis (AL)	Klein (FL)	Ross
Davis (CA)	Kucinich	Rothman
Davis (IL)	Langevin	Roybal-Allard
Davis, Lincoln	Lantos	Ruppersberger
DeFazio	Larsen (WA)	Rush
DeGette	Larson (CT)	Ryan (OH)
Delahunt	Lee	Salazar
DeLauro	Levin	Sánchez, Linda
Diaz-Balart, L.	Lewis (GA)	T.
Diaz-Balart, M.	Lipinski	Sanchez, Loretta
Dicks	Loeb sack	Sarbanes
Dingell	Lofgren, Zoe	Schakowsky
Doggett	Lowey	Schiff
Donnelly	Lynch	Schwartz
Doyle	Mahoney (FL)	Scott (GA)
Edwards	Maloney (NY)	Scott (VA)
Ellison	Markey	Serrano
Ellsworth	Marshall	Sestak
Emanuel	Matheson	Shea-Porter
Engel	Matsui	Sherman
Eshoo	McCarthy (NY)	Shuler
Etheridge	McCollum (MN)	Sires
Farr	McCrery	Skelton
Fattah	McDermott	Slaughter
Filner	McGovern	Smith (WA)
Frank (MA)	McIntyre	Snyder
Giffords	McNerney	Solis
Gilchrest	McNulty	Space
Gillibrand	Meehan	Spratt
Gohmert	Meek (FL)	Stark
Gonzalez	Meeks (NY)	Stupak
Gordon	Melancon	Sutton
Green, Al	Michaud	Tanner
Green, Gene	Miller (NC)	Tauscher
Grijalva	Miller, George	Taylor
Gutierrez	Mitchell	Thompson (CA)
Hall (NY)	Mollohan	Thompson (MS)
Hare	Moore (KS)	Tierney
Harman	Moore (WI)	Towns
Hastings (FL)	Moran (VA)	Udall (CO)
Hereth Sandlin	Murphy (CT)	Udall (NM)
Hill	Murphy, Patrick	Van Hollen
Hinche y	Murtha	Velázquez
Hinojosa	Nadler	Visclosky
Hirono	Napolitano	Walz (MN)
Hodes	Neal (MA)	Wasserman
Holden	Norton	Schultz
Holt	Oberstar	Waters
Honda	Obey	Watson
Hooley	Oliver	Watt
Hoyer	Ortiz	Waxman
Inslee	Pallone	Weiner
Israel	Pascrell	Welch (VT)
Jackson (IL)	Pastor	Wexler
Jackson-Lee	Payne	Wilson (NM)
(TX)	Perlmutter	Wilson (OH)
Jefferson	Peterson (MN)	Woolsey
Jindal	Poe	Wu
Johnson (GA)	Pomeroy	Wynn
Johnson, E. B.	Porter	Yarmuth

## NOT VOTING—14

Brady (PA)	Higgins	Sessions
Cantor	Jones (OH)	Turner
Cooper	Lampson	Walsh (NY)
Faleomavaega	Millender-	Westmoreland
Ferguson	McDonald	Young (AK)

□ 1605

Messrs. ELLISON, BRADY of Texas, OBEY, SKELTON, CLAY and RENZI changed their vote from “aye” to “no.”

Messrs. RAMSTAD, BILIRAKIS, SHAYS and DENT changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. TURNER. Mr. Chairman, on rollcall No. 222, the Chabot amendment No. 1 to H.R. 1361, I am not recorded. Had I been present, I would have voted “aye.”

AMENDMENT NO. 2 OFFERED BY MR. CHABOT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 2 printed in

part B of House Report 110-97 offered by the gentleman from Ohio (Mr. CHABOT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 252, not voting 12, as follows:

[Roll No. 223]

## AYES—174

Aderholt	Frelinghuysen	Musgrave
Akin	Gallegly	Myrick
Bachmann	Garrett (NJ)	Neugebauer
Bachus	Gerlach	Nunes
Barrett (SC)	Gingrey	Paul
Barton (TX)	Goode	Pearce
Biggett	Granger	Pence
Bilbray	Graves	Peterson (PA)
Bilirakis	Hall (TX)	Petri
Bishop (UT)	Hastert	Pitts
Blackburn	Hastings (WA)	Platts
Blunt	Hayes	Price (GA)
Boehner	Heller	Pryce (OH)
Bonner	Hensarling	Putnam
Bono	Herger	Radanovich
Boozman	Hobson	Ramstad
Brown (SC)	Hoekstra	Regula
Brown-Waite,	Hulshof	Rehberg
Ginny	Hunter	Reichert
Buchanan	Inglis (SC)	Reynolds
Burgess	Issa	Rogers (AL)
Burton (IN)	Johnson (IL)	Rogers (KY)
Buyer	Johnson, Sam	Rogers (MI)
Calvert	Jones (NC)	Rohrabacher
Camp (MI)	Jordan	Roskam
Campbell (CA)	Keller	Royce
Cannon	King (IA)	Ryan (WI)
Capito	King (NY)	Sali
Carney	Kingston	Saxton
Carter	Kirk	Schmidt
Castle	Kline (MN)	Sensenbrenner
Chabot	Knollenberg	Sessions
Coble	Kuhl (NY)	Shadegg
Cole (OK)	LaHood	Shimkus
Conaway	Lamborn	Shuster
Crenshaw	Latham	Simpson
Cubin	Lewis (CA)	Smith (NE)
Culberson	Lewis (KY)	Smith (NJ)
Davis (KY)	LoBiondo	Smith (TX)
Davis, David	Lucas	Stearns
Davis, Jo Ann	Lungren, Daniel	Sullivan
Davis, Tom	E.	Tancredo
Deal (GA)	Mack	Terry
Doolittle	Manzullo	Thornberry
Drake	Marchant	Tiahrt
Dreier	McCarthy (CA)	Tiberi
Duncan	McCaul (TX)	Turner
Ehlers	McCotter	Upton
English (PA)	McHenry	Walberg
Everett	McHugh	Walden (OR)
Fallin	McKeon	Wamp
Feeney	McMorris	Weldon (FL)
Flake	Rodgers	Weller
Forbes	Mica	Westmoreland
Fortenberry	Miller (FL)	Whitfield
Fortuño	Miller (MI)	Wicker
Fossella	Miller, Gary	Wilson (SC)
Fox	Moran (KS)	Wolf
Franks (AZ)	Murphy, Tim	Young (FL)

## NOES—252

Abercrombie	Barrow	Boswell
Ackerman	Bean	Boucher
Alexander	Becerra	Boustany
Allen	Berkley	Boyd (FL)
Altmire	Berman	Boyda (KS)
Andrews	Berry	Brady (TX)
Arcuri	Bishop (GA)	Braley (IA)
Baca	Bishop (NY)	Brown, Corrine
Baird	Blumenauer	Butterfield
Baker	Bordallo	Capps
Baldwin	Boren	Capuano

Cardoza	Inslee	Pickering
Carnahan	Israel	Poe
Carson	Jackson (IL)	Pomeroy
Castor	Jackson-Lee	Porter
Chandler	(TX)	Price (NC)
Christensen	Jefferson	Rahall
Clarke	Jindal	Rangel
Clay	Johnson (GA)	Renzi
Cleaver	Johnson, E. B.	Reyes
Clyburn	Kagen	Rodriguez
Cohen	Kanjorski	Ros-Lehtinen
Conyers	Kaptur	Ross
Cooper	Kennedy	Rothman
Costa	Kildee	Roybal-Allard
Costello	Kilpatrick	Ruppersberger
Courtney	Kind	Rush
Cramer	Klein (FL)	Ryan (OH)
Crowley	Kucinich	Salazar
Cuellar	Langevin	Sánchez, Linda
Cummings	Lantos	T.
Davis (AL)	Larsen (WA)	Sanchez, Loretta
Davis (CA)	Larson (CT)	Sarbanes
Davis (IL)	LaTourette	Schakowsky
Davis, Lincoln	Lee	Schiff
DeFazio	Levin	Schwartz
DeGette	Lewis (GA)	Scott (GA)
Delahunt	Lipinski	Scott (VA)
DeLauro	Loeb sack	Serrano
Dent	Lofgren, Zoe	Sestak
Diaz-Balart, L.	Lowey	Shays
Diaz-Balart, M.	Lynch	Shea-Porter
Dicks	Mahoney (FL)	Sherman
Dingell	Maloney (NY)	Shuler
Doggett	Markey	Sires
Donnelly	Marshall	Skelton
Doyle	Matheson	Slaughter
Edwards	Matsui	Smith (WA)
Ellison	McCarthy (NY)	Snyder
Ellsworth	McCollum (MN)	Solis
Emanuel	McCrery	Souder
Emerson	McDermott	Space
Engel	McGovern	Spratt
Eshoo	McIntyre	Stark
Etheridge	McNerney	Stupak
Farr	McNulty	Sutton
Fattah	Meehan	Tanner
Filner	Meek (FL)	Tauscher
Frank (MA)	Meeks (NY)	Taylor
Giffords	Melancon	Thompson (CA)
Gilchrest	Michaud	Thompson (MS)
Gillibrand	Miller (NC)	Tierney
Gillmor	Miller, George	Towns
Gonzalez	Mitchell	Udall (CO)
Goodlatte	Mollohan	Udall (NM)
Gordon	Moore (KS)	Van Hollen
Green, Al	Moore (WI)	Velázquez
Green, Gene	Moran (VA)	Visclosky
Grijalva	Murphy (CT)	Walz (MN)
Gutierrez	Murphy, Patrick	Wasserman
Hall (NY)	Murtha	Schultz
Hare	Nadler	Waters
Harman	Napolitano	Watson
Hastings (FL)	Neal (MA)	Watt
Hereth Sandlin	Norton	Waxman
Hill	Oberstar	Weiner
Hinche y	Obey	Welch (VT)
Hinojosa	Oliver	Wexler
Hirono	Ortiz	Wilson (NM)
Hodes	Pallone	Wilson (OH)
Holden	Pascrell	Woolsey
Holt	Pastor	Wu
Honda	Payne	Wynn
Hooley	Perlmutter	Yarmuth
Hoyer	Peterson (MN)	Young (AK)

## NOT VOTING—12

Bartlett (MD)	Gohmert	Millender-
Brady (PA)	Higgins	McDonald
Cantor	Jones (OH)	Walsh (NY)
Faleomavaega	Lampson	
Ferguson	Linder	

## ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1616

So the amendment was rejected. The result of the vote was announced as above recorded.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr.

DAVIS of Alabama, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1361) to improve the disaster relief programs of the Small Business Administration, and for other purposes, pursuant to House Resolution 302, he reported the bill, as amended by that resolution, back to the House with a further amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MCHENRY

Mr. MCHENRY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCHENRY. In its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McHenry moves to recommit the bill H.R. 1361 to the Committee on Small Business with instructions to report the same back to the House promptly with the following amendment:

At the end of title II of the bill, insert the following:

**SEC. 219. PROHIBITION ON ASSISTANCE.**

A person or small business concern shall not receive assistance under this Act or section 7(b) of the Small Business Act, as amended by this Act, if the person or small business concern pleaded nolo contendere to, or is convicted of, a felony, including, but not limited to, murder, kidnapping, or sexual assault under Federal or State law.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. MCHENRY. Mr. Speaker, there is nothing complicated about this motion to recommit today. It simply says that anyone who has pleaded no contest or has been found guilty of a felony cannot receive Federal funding under this bill.

I would urge my colleagues on the other side of the aisle to especially listen to the explanation of this motion to recommit, because some of them voted for a similar motion to recommit just weeks ago on this House floor.

This motion to recommit is very simple. It says that Federal funding cannot under this provision of this bill go to anyone who has been found guilty of a felony or has pleaded no contest. If you vote against this motion to recommit, you are saying to your constituents back home that you don't care if these Federal funds go to convicted murderers, rapists, or kidnappers for that matter.

□ 1620

Mr. Speaker, the new Speaker of the House pledged to have the most ethical

Congress in our Nation's history. If you vote for this motion to recommit, you are sending a message that you are willing to reward good behavior by supporting ethical oversight of taxpayer funds.

Let me be clear, Mr. Speaker. The RECOVER Act is another massive Democrat spending spree. That is why I am opposed to it. The Congressional Budget Office states that the Democrats' bill will cost the Federal taxpayers \$562 million over the next 6 years. It makes government bigger while creating new programs, positions and offices. It expands the role of government in people's lives.

But I think we owe our taxpayers the common courtesy of saying these funds should not go to felons. And while I and many of my colleagues in the House are at odds with the Democrats' ideology of big government is good government, we all can agree that kidnappers should not receive Federal funds under this bill here today.

And in this motion to recommit, we fix this error in the Democrats' drawing up of this bill; this omission that the Democrats have permitted to be in this bill here today before us.

I urge my colleagues on both sides of the aisle to support this motion to recommit and reassure your constituents you actually care where their taxpayer dollars are going.

And for those Democrats who voted for a similar motion to recommit on the Gulf Coast Hurricane Housing Recovery Act of 2007 just a few weeks ago, for those on the other side of the aisle, the 55 Democrats who voted for the motion to recommit on the Gulf Coast Hurricane Housing Recovery Act of 2007, they will recognize the language of this motion to recommit. It is very similar. It says, felons cannot receive these Federal funds. Felons, such as murderers, rapists, kidnappers, those are the type of people who would not be eligible for funds under this act, and I encourage those same 55 Democrats to cross the aisle and work in a bipartisan way to fix a Democrat mistake.

Mr. Speaker, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from New York is recognized for 5 minutes.

Ms. VELÁZQUEZ. What amazes me is if the gentleman from North Carolina is so concerned about this legislation, where were you when the Small Business Committee was considering this legislation? We had a number of Members who do not sit on the Small Business Committee come before our committee to discuss issues related to the disaster loan legislation. Where were you?

And let me say more. Let me say more. If you had come before our committee, you would have learned that what this motion to recommit does is to reinstate policies that the SBA al-

ready does. This amendment merely restates what the Small Business Administration does and could actually have the opposite effect and allow more individuals with questionable character to get SBA disaster loans.

The Small Business Administration already has a standard operating procedure that provides that no loans shall be made to individuals of low character. The SBA rules and regulations provide that individuals with criminal records and arrest records or who are on probation are considered to be in that category. Simply put, this means that felons are not able to get SBA loans.

I will also note that adopting this motion will for all intents and purposes kill the bill, meaning a little over 1 month before hurricane season, the Federal Government will not have a plan to respond to disasters. Disaster victims will be trapped in the bureaucracy between FEMA and SBA. Small businesses impacted by disasters will continue to struggle with backlogs that could extend up to 3 months. New programs to leverage the private sector to assist entrepreneurs in days not months will not be available. Economic recovery in the gulf will lag as much-needed assistance continues to be denied.

What this motion to recommit is is a cheap political ploy to kill this legislation that is so much needed.

Mr. Speaker, I yield 30 seconds to the majority leader, Mr. STENY HOYER.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding.

As she has said, this is the law. This is another attempt, another opportunity not to substantively legislate because this is already the law. This is an effort to kill this bill indirectly and without telling the public that that is what you are doing.

I am asking all of our Members to vote "no" on this. This is simply a procedural motion to kill this bill. If they wanted to add a substantive amendment, they could have done it. This was a modified open rule. All they had to do was file and notice it.

So I ask all of my colleagues, we are not going to go down this road and play this political game. We want to substantively legislate. We are going to vote "no" on this motion.

Ms. VELÁZQUEZ. Mr. Speaker, I yield the balance of my time to the gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Speaker, here we go again.

We had a similar motion to recommit, the gentleman is right, 2 or 3 weeks ago, and 50 people fell for it. They fell for it because it came to the floor just minutes before we had to vote, and it sounded like people such as myself would condone felons getting loans, when the law already prevents that.

For God's sake, the people in the gulf coast of the United States have suffered enough. And now we want to take

away or at least put some procedures in this just to screw with them some more. Let's vote this bill straight up and down. Let's kill this motion to recommit. It is a fallacy. It is fake. It is there just to disrupt. The people of this country and the people of the gulf coast need your help. Support the bill.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. McHENRY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 1361, if ordered, motion to suspend the rules and agree to H. Res. 293, and motion to suspend the rules and agree to H. Res. 300.

The vote was taken by electronic device, and there were—ayes 204, noes 218, not voting 11, as follows:

[Roll No. 224]

#### AYES—204

Aderholt	Duncan	Lewis (CA)
Akin	Ehlers	Lewis (KY)
Alexander	Ellsworth	Linder
Bachmann	Emerson	LoBiondo
Bachus	English (PA)	Lucas
Baker	Everett	Lungren, Daniel
Barrett (SC)	Fallin	E.
Barrow	Feeney	Mack
Bartlett (MD)	Flake	Mahoney (FL)
Barton (TX)	Forbes	Manzullo
Biggert	Fortenberry	Marchant
Bilbray	Fossella	Matheson
Bilirakis	Fox	McCarthy (CA)
Bishop (UT)	Franks (AZ)	McCaul (TX)
Blackburn	Frelinghuysen	McCotter
Blunt	Gallely	McCrery
Boehner	Garrett (NJ)	McHenry
Bonner	Gerlach	McHugh
Bono	Gilchrest	McIntyre
Boozman	Gillmor	McKeon
Boustany	Gingrey	McMorris
Brady (TX)	Gohmert	Rodgers
Brown (SC)	Goode	McNerney
Brown-Waite,	Goodlatte	Mica
Ginny	Granger	Miller (FL)
Buchanan	Graves	Miller (MI)
Burgess	Hall (TX)	Miller, Gary
Burton (IN)	Hastert	Moran (KS)
Buyer	Hastings (WA)	Murphy, Tim
Calvert	Hayes	Musgrave
Camp (MI)	Heller	Myrick
Campbell (CA)	Hensarling	Neugebauer
Cannon	Herger	Nunes
Capito	Hobson	Paul
Carter	Hoekstra	Pearce
Castle	Hulshof	Pence
Chabot	Hunter	Peterson (PA)
Coble	Inglis (SC)	Petri
Cole (OK)	Issa	Pickering
Conaway	Johnson (IL)	Pitts
Crenshaw	Johnson, Sam	Platts
Cubin	Jones (NC)	Poe
Culberson	Jordan	Porter
Davis (KY)	Keller	Price (GA)
Davis, David	King (IA)	Pryce (OH)
Davis, Jo Ann	King (NY)	Putnam
Davis, Tom	Kingston	Radanovich
Deal (GA)	Kirk	Ramstad
Dent	Kline (MN)	Regula
Diaz-Balart, L.	Knollenberg	Rehberg
Diaz-Balart, M.	Kuhl (NY)	Reichert
Donnelly	LaHood	Renzi
Doolittle	Lamborn	Reynolds
Drake	Latham	Rogers (AL)
Dreier	LaTourette	Rogers (KY)

Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Roskam  
Royce  
Sali  
Saxton  
Schmidt  
Sensenbrenner  
Sessions  
Shadegg  
Shays  
Shimkus  
Shuler

Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Tancredo  
Terry  
Thornberry  
Tiahrt  
Tiberi  
Turner

Upton  
Walberg  
Walden (OR)  
Wamp  
Weldon (FL)  
Weller  
Westmoreland  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

#### NOES—218

Abercrombie  
Ackerman  
Allen  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren  
Boswell  
Boucher  
Boyd (FL)  
Boyda (KS)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson  
Castor  
Chandler  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Cramer  
Crowley  
Cuellar  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis, Lincoln  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Doyle  
Edwards  
Ellison  
Emanuel  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Frank (MA)  
Giffords  
Gillibrand  
Gonzalez  
Gordon  
Green, Al

Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Hare  
Harman  
Hastings (FL)  
Herseth Sandlin  
Hill  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Jindal  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick  
Kind  
Klein (FL)  
Kucinich  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Loebbsack  
Lofgren, Zoe  
Lowey  
Lynch  
Maloney (NY)  
Markey  
Matsui  
McCarthy (NY)  
McCollum (MN)  
McDermott  
McGovern  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (NC)  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler  
Napolitano  
Neal (MA)

Oberstar  
Obey  
Olver  
Ortiz  
Pallone  
Pascarell  
Pastor  
Payne  
Perlmutter  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rodriguez  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Tauscher  
Taylor  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velazquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch (VT)  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Wynn  
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1647

Mr. McNERNEY changed his vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Ms. VELÁZQUEZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The Chair would announce that the two postponed suspension votes following this vote will be taken in the following order:

House Resolution 300; and

House Resolution 293.

The vote was taken by electronic device, and there were—ayes 267, noes 158, not voting 8, as follows:

[Roll No. 225]

#### AYES—267

Abercrombie	Davis (CA)	Hooley
Ackerman	Davis (IL)	Hoyer
Alexander	Davis, Jo Ann	Inslee
Allen	Davis, Lincoln	Israel
Altmire	DeFazio	Jackson (IL)
Andrews	DeGette	Jackson-Lee
Arcuri	Delahunt	(TX)
Baca	DeLauro	Jefferson
Baird	Dent	Jindal
Baker	Diaz-Balart, L.	Johnson (GA)
Baldwin	Diaz-Balart, M.	Johnson, E. B.
Barrow	Dicks	Jones (NC)
Bean	Dingell	Kagen
Becerra	Doggett	Kanjorski
Berkley	Donnelly	Kaptur
Berman	Doyle	Kennedy
Berry	Drake	Kildee
Bishop (GA)	Edwards	Kilpatrick
Bishop (NY)	Ellison	Kind
Blumenauer	Ellsworth	Kirk
Bono	Emanuel	Klein (FL)
Boren	Emerson	Kucinich
Boswell	Engel	Kuhl (NY)
Boucher	Eshoo	Langevin
Boustany	Etheridge	Lantos
Boyd (FL)	Farr	Larsen (WA)
Boyda (KS)	Fattah	Larson (CT)
Brady (TX)	Filner	LaTourette
Braley (IA)	Fortenberry	Lee
Brown, Corrine	Frank (MA)	Levin
Butterfield	Gerlach	Lewis (GA)
Capito	Giffords	Lipinski
Capps	Gilchrest	LoBiondo
Capuano	Gillibrand	Loebbsack
Cardoza	Gohmert	Lofgren, Zoe
Carnahan	Gonzalez	Lowey
Carney	Goodlatte	Lynch
Carson	Gordon	Mahoney (FL)
Castor	Green, Al	Maloney (NY)
Chandler	Green, Gene	Markey
Clarke	Grijalva	Marshall
Clay	Gutierrez	Matheson
Cleaver	Hall (NY)	Matsui
Clyburn	Hare	McCarthy (NY)
Cohen	Harman	McCollum (MN)
Conyers	Hastings (FL)	McCrery
Cooper	Herseth Sandlin	McDermott
Costa	Hill	McGovern
Costello	Hinchey	McHugh
Courtney	Hinojosa	McIntyre
Cramer	Hirono	McNerney
Crowley	Hodes	McNulty
Cuellar	Holden	Meehan
Cummings	Holt	Meek (FL)
Davis (AL)	Honda	Meeks (NY)

#### NOT VOTING—11

Brady (PA)  
Cantor  
Ferguson  
Higgins  
Jones (OH)

Lampson  
Marshall  
Millender-  
McDonald  
Ryan (WI)

Space  
Walsh (NY)

Melancon	Reichert	Souder
Michaud	Renzi	Space
Miller (NC)	Reyes	Spratt
Miller, George	Rodriguez	Stark
Mitchell	Ros-Lehtinen	Stupak
Mollohan	Ross	Sutton
Moore (KS)	Rothman	Tanner
Moore (WI)	Roybal-Allard	Tauscher
Moran (KS)	Ruppersberger	Taylor
Moran (VA)	Rush	Thompson (CA)
Murphy (CT)	Ryan (OH)	Thompson (MS)
Murphy, Patrick	Salazar	Tierney
Murphy, Tim	Sánchez, Linda	Towns
Murtha	T.	Udall (CO)
Nadler	Sanchez, Loretta	Udall (NM)
Napolitano	Sarbanes	Van Hollen
Neal (MA)	Saxton	Velázquez
Oberstar	Schakowsky	Visclosky
Obey	Schiff	Walz (MN)
Olver	Schwartz	Wasserman
Ortiz	Scott (GA)	Schultz
Pallone	Scott (VA)	Waters
Pascrell	Serrano	Watson
Pastor	Sestak	Watt
Payne	Shays	Waxman
Perlmutter	Shea-Porter	Weiner
Peterson (MN)	Sherman	Welch (VT)
Pickering	Shuler	Wexler
Platts	Sires	Wilson (NM)
Poe	Skelton	Wilson (OH)
Pomeroy	Slaughter	Wolf
Porter	Smith (NJ)	Woolsey
Price (NC)	Smith (WA)	Wu
Rahall	Snyder	Wynn
Rangel	Solis	Yarmuth

## NOES—158

Aderholt	Gallegly	Neugebauer
Akin	Garrett (NJ)	Nunes
Bachmann	Gillmor	Paul
Bachus	Gingrey	Pearce
Barrett (SC)	Goode	Pence
Bartlett (MD)	Granger	Peterson (PA)
Barton (TX)	Graves	Petri
Biggert	Hall (TX)	Pitts
Bilbray	Hastert	Price (GA)
Bilirakis	Hastings (WA)	Pryce (OH)
Bishop (UT)	Hayes	Putnam
Blackburn	Heller	Radanovich
Blunt	Hensarling	Ramstad
Boehner	Herger	Regula
Bonner	Hobson	Rehberg
Boozman	Hoekstra	Reynolds
Brown (SC)	Hulshof	Rogers (AL)
Brown-Waite,	Hunter	Rogers (KY)
Ginny	Inglis (SC)	Rogers (MI)
Buchanan	Issa	Rohrabacher
Burgess	Johnson (IL)	Roskam
Burton (IN)	Johnson, Sam	Royce
Buyer	Jordan	Ryan (WI)
Calvert	Keller	Sali
Camp (MI)	King (IA)	Schmidt
Campbell (CA)	King (NY)	Sensenbrenner
Cannon	Kingston	Sessions
Carter	Kline (MN)	Shadegg
Castle	Knollenberg	Shimkus
Chabot	LaHood	Shuster
Coble	Lamborn	Simpson
Cole (OK)	Latham	Smith (NE)
Conaway	Lewis (CA)	Smith (TX)
Crenshaw	Lewis (KY)	Stearns
Cubin	Linder	Sullivan
Culberson	Lucas	Tancredo
Davis (KY)	Lungren, Daniel	Terry
Davis, David	E.	Thornberry
Davis, Tom	Mack	Tiahrt
Deal (GA)	Manzullo	Tiberi
Doolittle	Marchant	Turner
Dreier	McCarthy (CA)	Upton
Duncan	McCaul (TX)	Walberg
Ehlers	McCotter	Walden (OR)
English (PA)	McHenry	Wamp
Everett	McKeon	Weldon (FL)
Fallin	McMorris	Weller
Feeney	Rodgers	Westmoreland
Flake	Mica	Whitfield
Forbes	Miller (FL)	Wicker
Fossella	Miller (MI)	Wilson (SC)
Fox	Miller, Gary	Young (AK)
Franks (AZ)	Musgrave	Young (FL)
Frelinghuysen	Myrick	

## NOT VOTING—8

Brady (PA)	Higgins	Millender-
Cantor	Jones (OH)	McDonald
Ferguson	Lampson	Walsh (NY)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WEINER) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1655

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOMENT OF SILENCE OBSERVED IN MEMORY OF THE HONORABLE JIM JONTZ, FORMER MEMBER OF CONGRESS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, I was just informed by my good friend, Mr. VISCLOSKY, that one of our former colleagues, Jim Jontz, died last Saturday. He was a Member of the other party, but he was a very fine man. He had been a State senator and a leader in Indiana for a long, long time.

We want to wish his mother and his family condolences, because he was one of the nice guys from Indiana.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I appreciate the gentleman making the announcement. I think Jim would want to be remembered as someone who was dogged on behalf of working people and the environment.

I appreciate the dean of our delegation asking for this moment of silence, and, again, deeply regret the loss of Jim Jontz.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

## COMMENDING THE ACHIEVEMENTS OF THE RUTGERS UNIVERSITY WOMEN'S BASKETBALL TEAM

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 300, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 300.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, answered “present” 2, not voting 15, as follows:

[Roll No. 226]

## YEAS—416

Abercrombie	Davis, Tom	Johnson, Sam
Ackerman	Deal (GA)	Jones (NC)
Aderholt	DeFazio	Jordan
Akin	DeGette	Kagen
Alexander	Delahunt	Kanjorski
Allen	DeLauro	Kaptur
Altmire	Dent	Keller
Andrews	Diaz-Balart, L.	Kennedy
Arcuri	Diaz-Balart, M.	Kildee
Baca	Dicks	Kilpatrick
Bachmann	Dingell	Kind
Bachus	Doggett	King (NY)
Baird	Donnelly	Kingston
Baker	Doolittle	Kirk
Baldwin	Doyle	Klein (FL)
Barrett (SC)	Drake	Kline (MN)
Barrow	Dreier	Knollenberg
Bartlett (MD)	Duncan	Kucinich
Barton (TX)	Edwards	Kuhl (NY)
Bean	Ehlers	LaHood
Becerra	Ellison	Lamborn
Berkley	Ellsworth	Langevin
Berman	Emanuel	Lantos
Berry	Emerson	Larsen (WA)
Biggert	Engel	Larson (CT)
Bilbray	English (PA)	Latham
Bilirakis	Eshoo	LaTourette
Bishop (GA)	Etheridge	Lee
Bishop (NY)	Everett	Levin
Bishop (UT)	Fallin	Lewis (CA)
Blackburn	Farr	Lewis (GA)
Blumenauer	Fattah	Lewis (KY)
Blunt	Feeney	Lipinski
Boehner	Filner	LoBiondo
Bonner	Flake	Loebsack
Bono	Forbes	Lofgren, Zoe
Boozman	Fortenberry	Lowe
Boren	Fossella	Lucas
Boswell	Fox	Lungren, Daniel
Boucher	Frank (MA)	E.
Boustany	Franks (AZ)	Lynch
Boyd (FL)	Frelinghuysen	Mack
Boyda (KS)	Gallegly	Mahoney (FL)
Brady (TX)	Garrett (NJ)	Maloney (NY)
Braley (IA)	Gerlach	Manzullo
Brown (SC)	Giffords	Marchant
Brown, Corrine	Gilchrest	Markey
Brown-Waite,	Gillibrand	Marshall
Ginny	Gillmor	Matheson
Buchanan	Gingrey	Matsui
Burgess	Gohmert	McCarthy (CA)
Burton (IN)	Gonzalez	McCarthy (NY)
Butterfield	Goode	McCaul (TX)
Buyer	Goodlatte	McCollum (MN)
Calvert	Granger	McCotter
Camp (MI)	Graves	McCrery
Campbell (CA)	Green, Al	McGovern
Cannon	Green, Gene	McHenry
Capito	Grijalva	McHugh
Capps	Gutierrez	McIntyre
Capuano	Hall (TX)	McKeon
Cardoza	Hare	McMorris
Carnahan	Harman	Rodgers
Carney	Hastert	McNerney
Carson	Hastings (FL)	McNulty
Carter	Hastings (WA)	Meehan
Castle	Hayes	Meek (FL)
Castor	Heller	Meeks (NY)
Chabot	Hensarling	Melancon
Chandler	Herger	Mica
Clarke	Herseth Sandlin	Michaud
Clay	Hill	Miller (FL)
Cleaver	Hinchey	Miller (NC)
Clyburn	Hinojosa	Miller, Gary
Coble	Hirono	Miller, George
Cohen	Hobson	Mitchell
Cole (OK)	Hodes	Mollohan
Conaway	Hoekstra	Moore (KS)
Cooper	Holden	Moore (WI)
Costa	Holt	Moran (KS)
Costello	Honda	Moran (VA)
Courtney	Hooley	Murphy (CT)
Cramer	Hoyer	Murphy, Patrick
Crenshaw	Hulshof	Murphy, Tim
Crowley	Inglis (SC)	Murtha
Cubin	Inslee	Musgrave
Cuellar	Israel	Myrick
Culberson	Issa	Nadler
Cummings	Jackson (IL)	Napolitano
Davis (AL)	Jackson-Lee	Neal (MA)
Davis (CA)	(TX)	Neugebauer
Davis (IL)	Jefferson	Nunes
Davis (KY)	Jindal	Oberstar
Davis, David	Johnson (GA)	Obey
Davis, Jo Ann	Johnson (IL)	Olver
Davis, Lincoln	Johnson, E. B.	Ortiz

Pallone	Ryan (WI)	Tauscher
Pascarell	Salazar	Taylor
Pastor	Sali	Terry
Paul	Sánchez, Linda	Thompson (CA)
Payne	T.	Thompson (MS)
Pearce	Sanchez, Loretta	Thornberry
Pence	Sarbanes	Tiahrt
Perlmutter	Saxton	Tiberi
Peterson (MN)	Schakowsky	Tierney
Peterson (PA)	Schiff	Towns
Petri	Schmidt	Turner
Pickering	Schwartz	Udall (CO)
Pitts	Scott (GA)	Udall (NM)
Platts	Scott (VA)	Upton
Poe	Sensenbrenner	Van Hollen
Pomeroy	Serrano	Velázquez
Porter	Sessions	Visclosky
Price (GA)	Sestak	Walberg
Price (NC)	Shadegg	Walden (OR)
Pryce (OH)	Shays	Walz (MN)
Putnam	Shea-Porter	Wamp
Radanovich	Sherman	Wasserman
Rahall	Shimkus	Schultz
Ramstad	Shuler	Waters
Rangel	Shuster	Watson
Regula	Simpson	Watt
Rehberg	Sires	Waxman
Reichert	Skelton	Weiner
Renzi	Slaughter	Welch (VT)
Reyes	Smith (NE)	Weldon (FL)
Reynolds	Smith (NJ)	Weller
Rodriguez	Smith (TX)	Westmoreland
Rogers (AL)	Smith (WA)	Wexler
Rogers (KY)	Snyder	Whitfield
Rogers (MI)	Solis	Wicker
Rohrabacher	Souder	Wilson (NM)
Ros-Lehtinen	Space	Wilson (OH)
Roskam	Spratt	Wilson (SC)
Ross	Stark	Woolsey
Rothman	Stearns	Wu
Roybal-Allard	Stupak	Wynn
Royce	Sullivan	Yarmuth
Ruppersberger	Sutton	Young (AK)
Rush	Tancred	Young (FL)
Ryan (OH)	Tanner	

## ANSWERED "PRESENT"—2

King (IA) Linder

## NOT VOTING—15

Brady (PA)	Higgins	Millender-
Cantor	Hunter	McDonald
Conyers	Jones (OH)	Miller (MI)
Ferguson	Lampson	Walsh (NY)
Gordon	McDermott	Wolf
Hall (NY)		

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded they have 2 minutes remaining to vote.

□ 1705

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McDERMOTT. Mr. Speaker, on rollcall No. 226, I was talking with the Taiwanese Delegation and missed the vote. Had I been present, I would have voted "yea."

Mr. HALL of New York. Mr. Speaker, on rollcall No. 226, had I been present, I would have voted "yea."

## SUPPORTING THE GOALS AND IDEALS HIGHLIGHTED THROUGH NATIONAL VOLUNTEER WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 293, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 293.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 227]

YEAS—411

Abercrombie	Cuellar	Hoekstra
Ackerman	Culberson	Holden
Aderholt	Cummings	Holt
Akin	Davis (AL)	Honda
Alexander	Davis (CA)	Hooley
Allen	Davis (IL)	Hoyer
Altmire	Davis (KY)	Hulshof
Andrews	Davis, David	Inglis (SC)
Arcuri	Davis, Jo Ann	Inslee
Baca	Davis, Lincoln	Israel
Bachmann	Davis, Tom	Issa
Bachus	Deal (GA)	Jackson (IL)
Baird	DeFazio	Jackson-Lee
Baker	DeGette	(TX)
Baldwin	DeLahunt	Jefferson
Barrett (SC)	DeLauro	Jindal
Barrow	Dent	Johnson (GA)
Bartlett (MD)	Diaz-Balart, L.	Johnson (IL)
Barton (TX)	Diaz-Balart, M.	Johnson, Sam
Bean	Dicks	Jones (NC)
Becerra	Dingell	Jordan
Berkley	Doggett	Kagen
Berman	Donnelly	Kanjorski
Berry	Doolittle	Kaptur
Biggert	Doyle	Keller
Bilbray	Drake	Kennedy
Bilirakis	Dreier	Kildee
Bishop (GA)	Duncan	Kilpatrick
Bishop (NY)	Edwards	Kind
Bishop (UT)	Ehlers	King (IA)
Blackburn	Ellison	King (NY)
Blumenauer	Ellsworth	Kingston
Blunt	Emanuel	Kirk
Boehner	Emerson	Klein (FL)
Bonner	Engel	Kline (MN)
Bono	English (PA)	Knollenberg
Boozman	Eshoo	Kucinich
Boren	Etheridge	Kuhl (NY)
Boswell	Everett	LaHood
Boucher	Fallin	Lamborn
Boustany	Farr	Langevin
Boyd (FL)	Fattah	Lantos
Boyd (KS)	Filner	Larsen (WA)
Braley (IA)	Flake	Larson (CT)
Brown (SC)	Forbes	Latham
Brown, Corrine	Portenberry	LaTourette
Brown-Waite,	Fossella	Lee
Ginny	Fox	Levin
Buchanan	Frank (MA)	Lewis (CA)
Burgess	Franks (AZ)	Lewis (GA)
Burton (IN)	Frelinghuysen	Lewis (KY)
Butterfield	Gallagher	Linder
Buyer	Garrett (NJ)	Lipinski
Calvert	Gerlach	LoBiondo
Camp (MI)	Giffords	Loeb
Campbell (CA)	Gilchrest	Lofgren, Zoe
Cannon	Gillibrand	Lowey
Capito	Gillmor	Lucas
Capps	Gingrey	Lungren, Daniel
Capuano	Gohmert	E.
Cardoza	Gonzalez	Lynch
Carnahan	Goodlatte	Mack
Carney	Granger	Mahoney (FL)
Carson	Graves	Maloney (NY)
Carter	Green, Al	Manzullo
Castle	Green, Gene	Marchant
Castor	Grijalva	Markey
Chabot	Gutierrez	Marshall
Chandler	Hall (NY)	Matheson
Clarke	Hall (TX)	Matsui
Clay	Hare	McCarthy (CA)
Cleaver	Harman	McCarthy (NY)
Clyburn	Hastert	McCaul (TX)
Coble	Hastings (FL)	McCollum (MN)
Cohen	Hastings (WA)	McCotter
Cole (OK)	Hayes	McCrery
Conaway	Heller	McDermott
Conyers	Hensarling	McGovern
Cooper	Herger	McHenry
Costa	Herseth Sandlin	McHugh
Costello	Hill	McIntyre
Courtney	Hinche	McKeon
Cramer	Hinojosa	McMorris
Crenshaw	Hirono	Rodgers
Crowley	Hobson	McNerney
Cubin	Hodes	McNulty

Meehan	Reichert	Space
Meeks (NY)	Renzi	Spratt
Melancon	Reyes	Stark
Mica	Reynolds	Stearns
Michaud	Rodriguez	Stupak
Miller (FL)	Rogers (AL)	Sullivan
Miller (NC)	Rogers (KY)	Sutton
Miller, Gary	Rogers (MI)	Tancred
Miller, George	Rohrabacher	Tanner
Mitchell	Ros-Lehtinen	Tauscher
Mollohan	Roskam	Taylor
Moore (KS)	Ross	Terry
Moore (WI)	Rothman	Thompson (CA)
Moran (KS)	Roybal-Allard	Thompson (MS)
Moran (VA)	Royce	Thornberry
Murphy (CT)	Ruppersberger	Tiahrt
Murphy, Patrick	Rush	Tiberi
Murphy, Tim	Ryan (OH)	Tierney
Musgrave	Ryan (WI)	Towns
Myrick	Salazar	Turner
Nadler	Sali	Udall (CO)
Napolitano	Sánchez, Linda	Udall (NM)
Neal (MA)	T.	Upton
Neugebauer	Sanchez, Loretta	Van Hollen
Nunes	Sarbanes	Velázquez
Oberstar	Saxton	Visclosky
Obey	Schakowsky	Walberg
Ortiz	Schiff	Walden (OR)
Pallone	Schmidt	Walz (MN)
Pascarell	Schwartz	Wamp
Pastor	Scott (GA)	Wasserman
Paul	Scott (VA)	Schultz
Payne	Sensenbrenner	Waters
Pearce	Serrano	Watson
Pence	Sessions	Watt
Perlmutter	Sestak	Waxman
Peterson (MN)	Shadegg	Weiner
Peterson (PA)	Shays	Welch (VT)
Petri	Shea-Porter	Weldon (FL)
Pickering	Sherman	Weller
Pitts	Shimkus	Westmoreland
Platts	Shuler	Wexler
Poe	Shuster	Wicker
Pomeroy	Simpson	Wilson (NM)
Porter	Sires	Wilson (OH)
Price (GA)	Slaughter	Wilson (SC)
Pryce (OH)	Smith (NE)	Wolf
Putnam	Smith (NJ)	Woolsey
Radanovich	Smith (TX)	Wu
Rahall	Smith (WA)	Wynn
Ramstad	Snyder	Yarmuth
Regula	Solis	Young (AK)
Rehberg	Souder	Young (FL)

## NOT VOTING—22

Brady (PA)	Hunter	Murtha
Brady (TX)	Johnson, E. B.	Oliver
Cantor	Jones (OH)	Price (NC)
Feeney	Lampson	Rangel
Ferguson	Meek (FL)	Skelton
Goode	Millender-	Walsh (NY)
Gordon	McDonald	Whitfield
Higgins	Miller (MI)	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

□ 1712

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on rollcall No. 227, I missed voting because of a visit to the doctor's office. Had I been present, I would have voted "yea."

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1361, RELIEF FOR ENTREPRENEURS: COORDINATION OF OBJECTIVES AND VALUES FOR EFFECTIVE RECOVERY ACT OF 2007

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that the Clerk be



authorized to make technical, clerical and conforming corrections in the engrossment of the bill, H.R. 1361.

The SPEAKER pro tempore (Mr. DOYLE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

#### GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks on H.R. 1361.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1905, DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT, AND FOR CONSIDERATION OF H.R. 1906, ESTIMATED TAX PAYMENT SAFE HARBOR ADJUSTMENT

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 110-98) on the resolution (H. Res. 317) providing for consideration of the bill (H.R. 1905) to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes and providing for consideration of the bill (H.R. 1906) to amend the Internal Revenue Code of 1986 to adjust the estimated tax payments safe harbor based on income for the preceding year in the case of individuals with adjusted gross income greater than \$5 million, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 363, SOWING THE SEEDS THROUGH SCIENCE AND ENGINEERING RESEARCH ACT

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 110-99) on the resolution (H. Res. 318) providing for consideration of the bill (H.R. 363) to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1495, WATER RESOURCES DEVELOPMENT ACT OF 2007

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 110-100) on the resolution (H. Res. 319) providing for consideration of the bill (H.R. 1495) to provide for the conservation and development of water

and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### PERSONAL EXPLANATION

Mr. STUPAK. Mr. Speaker, today, on April 18, 2007, I could not be present for two votes because I had undergone emergency medical care. Had I been present, I would have voted "yes" on the motion on ordering the previous question on the rule for the Executive Compensation bill, also rollcall vote 219.

Secondly, had I been present, I would have voted "yes" on H. Res. 301, the rule providing for H.R. 1257, the Shareholder Vote on Executive Compensation Act, rollcall vote 220.

#### AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 362, 10,000 TEACHERS, 10 MILLION MINDS SCIENCE AND MATH SCHOLARSHIP ACT

(Mr. CARDOZA asked and was given permission to address the House for 1 minute.)

Mr. CARDOZA. Mr. Speaker, the Rules Committee is expected to meet the week of April 23 to grant a rule which may structure the amendment process for floor consideration of H.R. 362, the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act.

Members who wish to offer an amendment to this bill should submit 30 copies of the amendment and a brief description of the amendment to the Rules Committee in H-312 in the Capitol no later than 4 p.m. on Friday, April 20. Members are strongly advised to adhere to the notice of amendment deadline to ensure the amendments that they provide receive consideration.

Amendments should be drafted to the bill as reported by the Committee on Science and Technology. A copy of that bill is posted on the Web site of the Rules Committee. Amendments should be drafted by Legislative Counsel and should also be reviewed by the Office of the Parliamentarian to be sure that amendments comply with the rules of the House.

Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. Res. 106

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Res. 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

#### COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE DAVID LOEBSACK, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Robert Sueppel, District Director, Office of the Honorable DAVID LOEBSACK, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, April 13, 2007.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a subpoena, issued by the District Court for Linn County, Iowa, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ROBERT SUEPPEL,  
District Director,  
Congressman Dave Loebsack.

#### COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Stephanie Butler, District Director, Office of the Honorable WILLIAM J. JEFFERSON, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, April 13, 2007.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a grand jury subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

STEPHANIE BUTLER,  
District Director.

#### PERMITTING THE CLERK TO MAKE TECHNICAL CHANGES IN ENGROSSING PAPERS TO H.R. 1257, SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION ACT

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that the Clerk be permitted to make technical changes in the engrossing papers to conform to the Union Calendar print of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days within which to revise and extend their remarks on H.R. 1257, and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

#### SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 301 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1257.

□ 1720

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1257) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation, with Mr. WEINER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Massachusetts (Mr. FRANK) and the gentleman from Illinois (Mr. ROSKAM) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

□ 1720

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

This is a bill to further the workings of the capitalist system of the United States. It has one very specific provision. It says that the shareholders, the owners of public corporations, will be allowed to vote every year in an advisory capacity on the compensation paid to their employees who run the companies.

Now, Mr. Chairman, some might think this is unnecessary. In a better world, it would be. But there is not now any clear-cut, uniform, legal right for the shareholders to get such a vote. Some corporations allow it, some do not. Some boards of directors allow it, some do not. In a recent case, the SEC ordered AT&T to allow such a vote, but it was because of certain circumstances. There is no general principle that allows it.

We do have, thanks to the Securities and Exchange Commission under our former colleague from California, Mr. Cox, a provision that I am sure many considered to be an intrusion into the private affairs of corporations, because without regard to the wishes of the corporations, the SEC under Chairman Cox has unanimously adopted rules that require corporations to put in the

annual proxy form a chart of compensation for the top officials and an explanation of the theory of the compensation by which they are there.

Understand that this is a decision by the SEC to require corporations to do what they would not otherwise have done, because it only applies to those who haven't done it.

We add one simple fact here. The SEC has said that it does not have the power to go further and compel corporations to allow the owners to vote. Our bill simply does that. Our bill simply says, you will have on your proxy form, printed anyway, what the compensation figures are. There is no debate about how they will be presented. We require, if this bill passes, corporations simply to add to that a box that says "I approve/I disapprove," and you can check it as appropriate. And the sole expense to the corporation is the ink in printing "approve" or "disapprove," and the tallying along with the other tallying. There is no additional paper, there is no additional anything else.

We have had a situation in which people, including the President of the United States, have acknowledged that in some cases CEO compensation has become excessive. I believe that that is clearly the case. A study done by Professor Lucian Bebchuk at Harvard, unrefuted by the defenders of the current corporate compensation system, notes that the amount of corporate profits going to the salaries for the top three employees, the compensation to the top three employees has about doubled to the point where a year or so ago it was nearly 10 percent.

We are talking about real money. We are talking about money that goes to these top executives that could be used for other purposes. For example, when Mr. Nardelli of Home Depot received a \$210 million good-bye kiss that had been written into his contract, when he was fired and given a \$210 million consolation prize, Home Depot was at the same time announcing that they were putting \$350 million into improving the stores. Well, suppose Mr. Nardelli had been sent out into the cold, hard world with only \$50 million for the rest of his life. \$160 million more would have been available to add to that \$350 million for the stores, considerably more than a third. In other words, that was a real number. If \$350 million can fix up the stores significantly, another \$50 million or \$75 million could have increased that by up to 50 percent.

The President himself has acknowledged that the compensation has gotten out of hand. But from the standpoint of the President, excessive CEO compensation, increased inequality in our economy, which is a part of this, global warming, they all have certain common elements; the President and some of his supporters have reluctantly acknowledged the reality of those things, having denied them for some time, but they appear to regard them as facts of nature that were neither

caused by nor can be corrected by human action. We disagree with that.

Now, people have suggested that the salaries are too high and Congress should limit them. We reject that. This bill as we have presented it does not intrude into the process of setting compensation.

Mr. Chairman, some of the amendments offered would do that. There are amendments that would alter the effect of this, depending on the kind and amount of compensation. I think those are erroneous. I think some of my friends on the other side have become, in their zeal to defend corporate compensation levels, de facto, in a bad situation. They would be more intrusive.

All we say is this: The shareholders own the companies, and we believe the shareholders should be allowed to vote.

Now, some people have said that is up to the board of directors, why are you singling out compensation for the CEO? And there is a good reason. You can make arguments about corporate governance one way or the other. We are not going beyond one point here. The relationship between the CEOs and the boards of directors is very different than most of the relationships the boards of directors have. The CEOs and the boards of directors select each other. There is a lack of an arm's length situation there that we think makes it appropriate to single it out and let the shareholders vote.

It is only an advisory vote, that is true, and you will hear the contradictory argument that we are both too intrusive and not sufficiently intrusive into the affairs of the corporations. But we have more confidence in the boards of directors than some of our colleagues. Not completely, or we wouldn't have this bill. But we do not think boards of directors will likely disregard an advisory opinion from the shareholders and, therefore, we think that is an important input that the board should have. They have their ultimate responsibility, and maybe they will find some special circumstance that says, we can't follow in this case. The shareholders own the company, and we are simply giving them this right.

The last point is, and we have heard people say, well, you are interfering with the affairs of the corporation. Corporations do not exist in nature; they are the creations of positive legislative action. No corporation anywhere has powers except those that are given to it by a government, and governments tell the corporations what powers they have, what immunities they have, and what rules they follow. The SEC just intruded very deeply into the affairs of corporations by requiring the posting of the compensation.

We say that under current rules, including some State laws, and it varies from State to State, the shareholders don't have enough rights. And all we do here is empower the shareholders to vote on the compensation of the people who work for them.

The last dogma I would deal with is, well, how can the shareholders know that? It is extraordinary to me, Mr. Chairman, to listen to people who ordinarily are quite respectful of the wisdom of the market. And what is the market? The market is the people who buy the shares. Those are the people who make up the market. And apparently this group of people who are the shareholders are in most respects quite wise. But when it comes to deciding how much to pay the people who work for them, they get stupid, and this is somehow beyond their capacity.

We disagree with that. We think this is a moderate and temperate approach to the issue of runaway compensation, excessive compensation, not in every case, and in every case it wouldn't be used negatively.

I should have said one other thing. No one has shown any correlation between these outsized compensation examples and any metric of success. Indeed, too often they are metrics of failure because they are payoffs to get people to leave quietly.

So we hope that this bill will be adopted and that shareholders who own the companies will have the right to express their opinion to the boards of directors on the level of compensation for the top employees of the company.

Mr. Chairman, I reserve the balance of my time.

Mr. ROSKAM. Mr. Chairman, I yield myself such time as I may consume.

I rise, Mr. Chairman, in opposition to H.R. 1257. But first of all, I want to compliment the chairman and the ranking member who ran a very good process, had fruitful hearings, but nevertheless I think came up with a faulty product.

□ 1730

We all tend to sometimes argue in the alternative, picking and choosing those things that we want to focus on, and I find it ironic that the chairman has, in one way, this very, very high view of the marketplace and, in another way, demonstrates a fairly low view of the marketplace.

This is all about the level, Mr. Chairman, at which we choose to intervene. We saw the marketplace respond positively just a couple of weeks ago. Morgan Stanley, at their annual meeting, those shareholders decided not to take up this question of executive compensation. The same thing happened, Mr. Chairman, at the Bank of New York recently.

So what is the question before the House today? The question before the House is, when there is a difficult situation that comes forward, admittedly a difficult situation that the chairman recently called a fact of nature, and that is overly compensated executive employees, what does the House do? Does the House rush in?

I would suggest that the bill as presented currently is an overreaction. It is reaching in, and if we are going to be dabbling in this notion of executive

compensation, Mr. Chairman, then I would suggest that we need to go all the way and try and take on other highly compensated employees.

What we will hear, I think, from the various speakers on our side of the aisle is trying to lay out a rationale, trying to lay out how we ought best to do this because I will tell you this. I think the great challenge before us as Members of the House is, how do we create the environment where people want to invest in our country, how do we create the environment where the best and the brightest among us want to go into public companies because I will suggest, Mr. Chairman, that the reaction of the past Congress or two on some of these things has unfortunately created an environment that is regulatorily very, very difficult, and it now creates among us the problem of people who say, look, it is simply not worth my time to go into a public company. I am one of the sharp ones; I am going to go into the private equities and so forth.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. SCOTT), one of the most active members of our committee and a man with significant business experience.

Mr. SCOTT of Georgia. Mr. Chairman, thank you very much.

Let me first start by commending our chairman for taking on this very important and timely issue. This is an issue that speaks to the issue of confidence in the American enterprise system. There is no more greater issue that we need to deal with, and I think what the major point that we need to emphasize here is that there is a problem, and obviously there is a terrific problem. There is a terrific problem on several layers.

Let me start with the first layer. First of all, we have a problem where we have a stretch of the differences between what the average worker is making in the American economy and this huge leap by multibillions of dollars by what CEOs are making. This is not an aberration. This is a fact in case after case.

Plus, on top of that, none of these performances for these huge CEO packages are done based upon performance. As a matter of fact, some of the most outrageous demonstrations of this have been corporate CEO packages that have rewarded companies with hundreds of millions of dollars in their packages for a lack of performance, even while their company has been going down, even while their company has been laying off people, even as they have turned their backs on their pension obligations to employees. No, this is not an aberration, and there is a hue and a cry from the American people across the American landscape that is saying something must be done.

Now, we are the people's representatives, and what the chairman has put

forward, and I certainly appreciate the chairman for allowing me to have an opportunity to work with him on this, what we are putting forward here is basically a fair and moderate response, no overreaction.

We have taken the marketplace with its basic components. What is the most important attribute of our system? It is the free marketplace. And what is the most important part of that? It is the exchange of stock ownership. And who plays that most important role there? It is the investor. Once that investor begins to lose confidence, we are all in a world of trouble.

There is nothing in our bill that mandates a certain salary level, none of that. Our bill simply says: Let us let the system work. What is wrong with ending these egregious characteristics of what is happening in the marketplace as far as CEO packages is concerned? It begs for the shareholders who own the company to at least have a say, a nonbinding say.

We understand the fragility of what we are doing. We are doing this in a gingerly manner. But let me just state to you in closing that all of the studies, and there will be some amendments which will come forward, some wanting to study this issue, some saying let the SEC rules work out, but what the American people and what the investor and what the situation cries out for are two things: transparency and accountability. That is the hallmark of what we are doing. We are bringing accountability, and we are bringing transparency to what is clearly, from all of the media accounts, from all of the evidence presented to us is clear, and it is dangerous, and it is present. What we have and what we are responding to is something that is clearly a clear and present danger to the future and the heart of our free economic system.

Mr. ROSKAM. Mr. Chairman, I yield 5 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Illinois for yielding, and I thank you, Mr. Chairman.

I rise in opposition to H.R. 1257, the Shareholder Vote on Executive Compensation Act, which seeks to ensure that shareholders have a say in their company's executive compensation and disclosures.

Let me just say that I agree with both the speakers on the other side so far. There is a problem with CEO and other high-level compensation in the United States. I happen to disagree with the solution which is offered by this legislation. In fact, I would urge that this solution probably will not be a solution. I would like to go through that if I could.

In July 2006, the Securities and Exchange Commission, the SEC, adopted a package of rules designed to enhance the transparency of proxy compensation disclosure for CEOs, CFOs and the other three highest paid executive officers and directors, the first major reform since 1992. These new disclosure

requirements are being implemented for the first time and are a major step forward in promoting transparency and arming shareholders with detailed information on how executives are being paid. Therefore, we are attempting to legislate in this area before there is any evidence to suggest that the current SEC robust disclosure requirements are not working.

The bill before us intends to prevent excessive executive compensation. Yet, at a Financial Services Committee hearing on March 8, all six witnesses agreed that a better way to prevent unmerited pay would be to require that publicly traded corporations adopt majority voting policies for the election of board members. At the present time, more than 150 stockholder proposals relating to majority voting have been filed, and more than half of the companies in the S&P 500 have some form of majority voting policy in place. Furthermore, company organization and structure is traditionally governed by State law, while Federal securities laws generally govern the disclosure of information to investors.

In my home State of Delaware, corporate laws are already providing shareholders with majority votes. Majority voting enables stockholders to more easily unseat directors they believe have made poor judgments. The law enables stockholders to focus on compensation committee members in particular if they so choose.

In addition, compensation for executives of publicly owned companies listed on the New York Stock Exchange is determined by a compensation committee that is composed of totally independent directors.

□ 1740

Clearly, the market and States are active in working in this area. H.R. 1257 intends to provide shareholders with an advisory vote on executive compensation. However, public company equity is overwhelmingly in the hands of intermediaries like retirement plans and mutual funds that manage the economic interests on behalf of others. Therefore, the actual shareholder is already two steps removed from the holders of the true economic interests in the company.

In addition, intermediaries often rely on advice, sellers like the Institutional Shareholder Services, ISS, when voting on company proxies. Consultants such as the ISS are often criticized for their particular biases and their lack of transparency in their decision-making.

It greatly worries me that this bill could set a precedent of giving activist institutional investors who may have their own political and social agendas unrelated to the financial wealth of the companies more influence.

This legislation presents a counter-productive change to an American approach to corporate governance that, while not perfect, has produced better results for stockholders than any other financial system in the world. I have

an article written by Secretary Robert Reich about this, in which he, too, opposes the changes that are being proposed here.

He indicates, "House Democrats are now working on legislation to give shareholders the right to have more say over pay." And that is a growing consensus, but he says it is wrong. Shareholders won't constrain the growth of CEO pay because most shareholders don't care about it. The vast majority own their shares through mutual funds and pension funds and don't know which companies they are invested in at any given moment. Then he says later, "Depending on shareholders to rein in CEO pay is like relying on gamblers to rein in the owners of Las Vegas casinos."

That is my concern with this. While we have identified the problem, the solution which has been identified in this legislation is not the right solution. The SEC recently enacted substantial new disclosure requirements, as I indicated, governing executive compensation to ensure transparent compensation packages, and these requirements should be given time to take effect. Disclosure is a vital component of our financial system, which increases investor confidence, promotes market discipline, encourages fairness in the U.S. markets and enables more informed decision-making by investors.

I believe there are many unintended consequences associated with the legislation before us today. Therefore, I urge my colleagues on both sides of the aisle to join me in opposing this legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I will yield myself 1½ minutes.

I congratulate the gentleman on the high art of selective quotation, because he quoted from former Secretary Reich. He left out the thrust of the article which was, he was against doing this because instead he thought we could change the Tax Code. In fact, that article is mostly an attack on the tax cuts which the gentleman from Delaware supported.

Secretary Reich's article is essentially, and I will submit it for the RECORD under our general leave, I was waiting for the gentleman to quote those parts of Mr. Reich's article in which he calls for significant increases on taxation of upper-income people. I have to say to my friend, it is only a partial quotation.

Mr. CASTLE. Reclaiming my time.

Mr. FRANK of Massachusetts. I am on my time. I gave myself a minute.

The CHAIRMAN. The time has expired for the gentleman from Delaware. The gentleman from Massachusetts controls the time.

Mr. FRANK of Massachusetts. I was frankly waiting, and I was disappointed, but that happens a lot in life, for the gentleman to get to the part of the article that he quoted selectively in which that article says what you really want to do is make the tax

system more progressive. I suppose the gentleman didn't want to quote criticism of tax cuts that he voted for, but it did seem to me, if we are going to be quoting things, Mr. Reich said not that he was opposed to this as a bad idea, but that a much better way to do it would be to undo the tax cuts that the gentleman from Delaware supported at the upper brackets.

Mr. Chairman, I would ask to insert in the RECORD the article by Robert B. Reich.

[From The American Prospect, April, 2007]

DON'T COUNT ON SHAREHOLDERS

(Robert B. Reich)

An acquaintance of mine sits on the board of a major company that just agreed to pay its CEO close to \$10 million this year, including deferred compensation and stock options. I asked him how he and his board colleagues could possibly justify that kind of money. "No choice," he said. "That's what our competition is paying. It's the going rate." As Congress struggles to raise the minimum wage to \$7.25 an hour, the going rate of CEO pay is now \$5,000 an hour.

Polls show most Americans think this is obscene. But how to rein in CEO pay? A growing consensus believes the best way is to give shareholders more voice. New Securities and Exchange Commission rules require companies to inform shareholders in greater detail what their companies are paying top executives. In recent months, shareholder activists have submitted proposals to 60 companies seeking input on CEO pay. House Democrats are now working on legislation that would give shareholders the right to have more say over pay.

But the growing consensus is wrong: Shareholders won't constrain the growth of CEO pay, because most shareholders don't care about it. The vast majority own their shares through mutual funds and pension funds, and don't even know which companies they're invested in at any given moment. Their only concern is maximizing the return on their total portfolios. They keep the pressure on fund managers to do this by moving their savings from funds that underperform to those that show better overall results.

Fund managers, for their part, don't care much about CEO pay, either. They're looking for companies whose share prices are rising, and they push firms to get their prices up by shifting capital out of those whose prices are lagging into those that show more promise.

Presumably, shareholders and fund managers would want to constrain CEO pay if it hampered company performance, but it hasn't. While CEO pay has soared over the last 25 years, share prices have soared, too. Between 1980 and 2003, the average value of America's 500 largest companies rose by a factor of six, adjusted for inflation. What happened to average CEO pay in those companies? It rose roughly sixfold. Shareholders have no reason to complain. They don't—and they won't.

Depending on shareholders to rein in CEO pay is like relying on gamblers to rein in the owners of Las Vegas casinos. Just look at Britain. Since 2003, changes in British securities law have given investors there more say over what British CEOs are paid. Nonetheless, executive pay in Britain has continued to skyrocket, and now just about matches that of American CEOs. Companies listed on the London Stock Exchange have done sufficiently well that British investors don't care what CEOs are paid.

The real scandal of CEO pay has almost nothing to do with shareholders. It has to do

with what's happened to the pay of most other workers as CEO pay has soared. Shareholder returns have kept up with CEO pay, but median wages have not. In 1980, the CEO of a major company took home about 40 times what the median worker earned; by 1990, that CEO's pay was about 100 times the median worker's; in 2006, it was close to 300 times what the median worker earned. (Last year, Wal-Mart's Lee Scott Jr. earned 900 times the pay of the average Wal-Mart worker.)

CEO pay is part of a much larger problem: the growing portion of the nation's income that's going to a small number of people at the top. The pay packages of many denizens of Wall Street are even more outrageous than CEO pay—last year reaching \$40 million for top traders and more than a billion dollars for top hedge-fund managers. The new stars of Wall Street are private equity funds that are buying public companies back from shareholders and raking in 20 percent to 25 percent annual returns for their private investors—mostly wealthy individuals with yearly incomes already in the stratosphere.

Not since the robber-baron era have income and wealth been as concentrated as they are today. This doesn't threaten shareholders; after all, most shares are held by the wealthy. It threatens democracy, as the wealthy use their fortunes to bankroll politicians who tilt public policies in the direction of the wealthy—by, say, reducing their taxes and cutting public services for everyone else. It also threatens our economy, as more and more investment decisions are made by fewer and fewer people, and as the middle class loses its capacity to pay for the goods and services the economy produces.

The answer is not to grant more rights to shareholders. It's to enact a far more progressive income tax, including a sharply higher marginal rate on yearly incomes above, say, a measly million.

Mr. ROSKAM. Mr. Chairman, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. In response to Chairman FRANK, I would just say, he is correct. We have not had that debate, by the way, on the progressive income tax rate. However, he opposes everything with respect to this legislation, leading up to that little squib at the end as to how he would fix that particular problem.

I personally think, as I have outlined here, there are many solutions to this: what the SEC has done, the majority election of directors, what the various States are doing and where this problem should be handled. For that reason, I would encourage us to look at a different method of addressing what you have identified, in my judgment a very real problem.

Mr. Chairman, I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I would say to the gentleman, I am baffled by this. On the one hand, this is too intrusive, but the gentleman says a better way would be to require corporations to elect directors by a majority. That would be a far greater intrusion into all of the aspects of the corporation.

But I will say this, if the gentleman prefers and the Members on the other side prefer: that we instead pass legislation that requires all corporations to allow a majority election for directors

in an effective way as an alternative to nominations. Maybe we will hold off on this bill and consider it. I await that bill.

The gentlemen on the other side are all full of other solutions, none of which have ever been put to paper.

Mr. Chairman, I yield 6 minutes to the gentleman from Missouri (Mr. CLEAVER) a member of the committee and a great ethical expert.

Mr. CLEAVER. Mr. Chairman, today I rise in support of H.R. 1257, the Shareholder Vote on Executive Compensation Act. I think that it has been going on far too long where shareholders and, frankly, the American people, have had to pay for services not rendered and jobs not performed well.

The chairman of our committee, Chairman FRANK, has already spoken about Mr. Nardelli. There are others, Pfizer's Henry McKinnell, and he also received a \$200 million, \$200 million exit package in spite of the fact that his performance was poor. KB Home, former CEO, Bruce Karatz, could collect \$175 million despite his involvement in backdating stock options at the company. Some CEOs were, in fact, undeserving of compensation packages they received. This is not fair.

The one that I think troubles most Americans the most is Lee Raymond, former CEO of ExxonMobil. During our committee hearing, I raised this issue with our panel to ask if they had any problems with the compensation package for Mr. Raymond. He received a \$400 million pay and retirement deal as the prices of gasoline soared and millions of hardworking Americans going to the pump every single day are paying more and more money for gas.

Twelve years ago, when Mr. Raymond became the CEO of Exxon, the average price of gasoline was \$1.02 a gallon. In June, 2006, when he retired, the price, the average price of gasoline was \$2.96 a gallon. Yet he received \$400 million in retirement. The people who are watching this debate, the overwhelming majority, will say to themselves, that is not right.

Now, during the same period of time that the CEO of ExxonMobil was building up for this great exit package, real wages for the average American worker actually declined. While I believe deeply in, and that prosperity is as American as apple pie, I don't believe that we should reward CEOs for doing a poor job.

So I want to thank committee Chairman FRANK and our ranking member, SPENCER BACHUS, and the members of the Financial Services Committee for bringing this bill forward to the floor today. I cosponsored this legislation, I voted for it in committee, and I will be voting for it when it comes to the floor.

Now, the sad thing about this legislation is that many hardworking Americans get up each day and go to work. If they perform poorly, they lose their job, and they certainly will not get an exit package that will take care of

them and most of the people in their cities for life, \$400 million.

I would ask the people watching this program, do you have a problem with that? The answer, I think, is echoing all around this country. Yes, I have a problem with that.

This bill enables shareholders to express their views on their company's executive compensation practices without setting up caps on the size and nature of executive pay. This legislation requires only, only, that public companies include on their proxy statements to shareholders, an annual nonbinding, nonbinding, nonbinding advisory shareholder vote on the company's executive compensation disclosures, which are already required by the SEC, and an additional nonbinding advisory vote if the company awards a new, not already disclosed, golden parachute while negotiating the purchase or sale of the company. The nonbinding advisory vote will give shareholders an opportunity, an opportunity to express themselves.

They can say "yes" or "no" to the proposed executive compensation without diminishing, reducing, interfering with the board's legal authority.

□ 1750

Ultimately, if a CEO is doing a good job, I am sure that that CEO will receive the support of that company's shareholders and the appropriate compensation package. That is the way America operates. But what is going on now is an abomination that we will allow people to run a company into the ground and then walk away set, not only for life for themselves but five or six generations to come.

Mr. ROSKAM. Mr. Chairman, just a couple of observations before I yield to my distinguished colleague.

You know, the gentleman from Georgia said that one of the goals of this legislation is that there be transparency and accountability. I would submit, I think there is a transparency and accountability in the current state of the law. The transparency comes in the disclosure of executive compensation, and the accountability comes in the ability to sell shares if you don't like it. That is a very, very, very powerful tool.

My friend from Missouri, the distinguished gentleman who spoke recently kind of criticized a number of individual CEOs. I'm not going to rise to their defense, and I don't think they really deserve defense. But it is an old adage of the law that if what we are doing is creating a statute toward an exception, we tend to make bad statutes.

What I would say is, look at the totality of what executive leadership has brought us. From 2002 to 2006, the market capitalization of American companies has risen to \$8 trillion. That is something to celebrate and not something to criticize.

I yield 5 minutes to the gentleman from Texas (Mr. PAUL).

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this bill. I happen to agree with all of the concerns expressed by those sponsoring the bill due to the inequities in the amount of money that some of the CEOs are getting. But I am also convinced that this particular piece of legislation won't do very much to help, and I am convinced that unless we deal some day with our monetary system and understand better how it participates in these inequities, we will never get a solution for this because the monetary system does play a role in this.

I am as outraged as anybody about a company that can hand out \$16 billion in bonuses. But where my disagreement is, is that it is not as a result of free market capitalism; that it is the result of an economic system that we have today which is called economic interventionism, and it leads to these inequities.

Mr. Chairman, H.R. 1257 gives the Securities and Exchange Commission the power to force publicly traded corporations to consider shareholders' votes on nonbinding resolutions concerning the compensation packages of CEOs. Giving the SEC the power to require shareholder votes on any aspect of corporate governance, even on something as seemingly inconsequential as a non-binding resolution, illegitimately expands Federal authority into questions of private governance.

In a free market, shareholders who are concerned about CEO compensation are free to refuse to invest in corporations that do not provide sufficient information regarding how CEO salaries are set or do not allow shareholders to have a say in setting compensation packages.

Since shareholders are a corporation's owner, the CEO and the board of directors have a great incentive to respond to shareholders' demands. In fact, several corporations have recently moved to amend the ways they determine executive compensation in order to provide increased transparency and accountability to shareholders.

Some shareholders may not care about CEO compensation packages. Instead, they may want to devote time at shareholder meetings to reviewing corporate environmental policies and ensuring the corporation has family-friendly workforce policies. If H.R. 1257 becomes law, the concerns of those shareholders will take a back seat to corporations attempting to meet the demands of Congress.

It is ironic to me that Congress would concern itself with high salaries in the private sector when, according to data collected by the CATO Institute, Federal employees on average make twice as much as their private sector counterparts. One of the examples of excessive compensation cited by the supporters of the bill is the multi-

million dollar package paid to the former CEO of Freddie Mac. As a government-sponsored enterprise that, along with its counterpart Fannie Mae, received almost \$20 billion worth of indirect Federal subsidies in fiscal year 2004 alone, Freddie Mac is hardly a poster child for the free market.

For the most part, all economic interventions fail and end up creating new problems that we are forced to deal with. This legislation, although well-motivated in an effort to deal with a very real problem, is unnecessary and should be rejected.

Past government actions have made it more difficult for shareholders to hold CEOs and boards of directors accountable for disregarding shareholder interests by, among other things, wasting corporate resources on compensation packages and golden parachutes unrelated to performance. During the 1980s, so-called corporate raiders helped keep corporate management accountable to shareholders through devices such as "junk" bonds that made corporate takeovers easier.

The backlash against corporate raiders included the enactment of laws that made it more difficult to launch hostile takeovers. Bruce Bartlett, writing in the *Washington Times* in 2001, commented on the effects of these laws, "Without the threat of a takeover, managers have been able to go back to ignoring shareholders, treating them like a nuisance, and giving themselves bloated salaries and perks, with little oversight from corporate boards. Now insulated from shareholders once again, managers could engage in unsound practices with little fear of punishment for failure." The Federal "crackdown" on corporate raiders, combined with provisions in Sarbanes-Oxley disqualifying the people who are the most capable of serving as shareholder watchdogs from serving on corporate boards, contributed to the disconnect between CEO salaries and creation of shareholder value that is being used to justify another expansion of the regulatory state.

In addition to repealing laws that prevent shareholders from exercising control over corporations, Congress should also examine United States monetary policy's effects on income inequality. When the Federal Reserve Board injects credit into the economy, the result is at least a temporary rise in incomes. However, those incomes do not rise equally. People who first receive the new credit—who in most instances are those already at the top of the economic pyramid—receive the most benefit from the Fed's inflationist policies. By the time those at the lower end of the income scale experience a nominal rise in incomes, they must also contend with price inflation that has eroded their standard of living. Except for the lucky few who take advantage of the new credit first, the negative effects of inflation likely more than outweigh any temporary gains in nominal income from the Federal Reserve's expansionist policies.

For evidence of who really benefits from a system of fiat money and inflation, consider that in 1971, before President Nixon severed the last link of the American currency to gold, the typical CEO's salary was 30 times higher than the average wage of the typical employee; today it is 500 times higher.

Explosions in CEO salaries can be a sign of a Federal credit bubble, which occurs when

Federal Reserve Board-created credit flows into certain sectors such as the stock market or the housing market. Far from being a sign of the health of capitalism, excessive CEO salaries in these areas often signal that a bubble is about to burst. When a bubble bursts, people at the bottom of the economic ladder bear the brunt of the bust.

Instead of imposing new laws on private companies, Congress should repeal the laws that have weakened the ability of shareholders to discipline CEOs and boards of directors that do not run corporations according to the shareholders' wishes. Congress should also examine how fiat money contributes to income inequality. I therefore request that my colleagues join me in opposing H.R. 1257 and instead embrace a pro-freedom, pro-shareholder, and pro-worker agenda of free markets and sound money.

Mr. ROSKAM. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Chairman, I thank the gentleman for yielding.

Let's stipulate here that there are and have been instances, plenty of instances, in which executive compensation has been excessive for the return given to shareholders.

I have spent my entire life investing, and there have been times when I have seen excessive executive compensation, and return for the company wasn't there. And it made me mad, and I wasn't happy about it. Let's stipulate to that.

Let's also understand there is a difference between that and when an executive gets high pay for a very excellent result. Pay for executives has been increasing, as it has for sports stars, as it has for people in the music business, authors, actors and investors.

Chairman Bernanke of the Federal Reserve, when he spoke before our committee and when he has spoken before other committees, has been quoted as saying this is, to a degree, because of the effective technology of being able to take the talents of these various people and make them more valuable because it spreads across the world much quicker.

But let's take that aside and stipulate that there have been instances, plenty of instances, where executive compensation has not been commensurate with the results. But there are a lot of other things that are more injurious to shareholders. There are other highly compensated individuals as well who have been overpaid for their jobs or for whatever they have done.

There have been union contracts that have been out of line. Let's take Ford Motor Company right now. People are objecting to the current compensation package of the new chairman of Ford Motor Company; but no one is suggesting that that pay package is going to bring Ford Motor Company under. People are not happy because they say Ford Motor Company isn't making money, and the chairman is getting too much pay, but no one is suggesting that is going to take the company



under. But what most observers say will take the company under is all of the retiree pay that they have due to union contracts that were inadvisable that were done some time ago. That may take the company under.

There could be acquisitions. There could be legal settlements. There could be just poor management. All of those things can actually take a company under, whereas executive compensation that is excessive, although maddening, won't drive a company down.

This bill does absolutely nothing to deal with any of those other problems. Why not? If we are worried about shareholders and care about shareholders and their ability to influence a company, then why don't we give them the right to influence the company on something that actually might bring the company down.

Some people on the other side mentioned several instances, and I can't recall them all right now, but where a company is doing poorly and an executive received very high pay. I agree with you; bad, I don't like it. I didn't like it. But what ought to upset the shareholders more is not the pay; it is the poor performance. And this doesn't do anything to help shareholders with that.

We should give shareholders more rights. I agree with that, through the board. Otherwise, why not let shareholders vote on other highly compensated individuals, on union contracts, on acquisitions, on legal settlements, on the marketing budget, on all kinds of other things that might have something to do with affecting the company's pay?

□ 1800

I believe this is a statement, not a solution.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. CAMPBELL of California. I am happy to yield to the gentleman from New York.

Mr. FRANK of Massachusetts. I am from Massachusetts, but I do want to report a theft, Mr. Chairman. Apparently someone has broken into our committee office and stolen a whole series of bills that the other side had to deal with all these other things, because I am hearing now about all these other things we should be doing and these other things that we should be addressing, and I haven't seen any of them.

So I want to say to people, unfortunately, all these wonderful ideas that you previously had, and I wouldn't suggest that you are only saying them now as an excuse to beat this bill, please send me copies, because somebody stole the ones you sent me.

Mr. CAMPBELL of California. Reclaiming my time, Mr. Chairman.

You saw an amendment in committee which you voted against and voted down. You will see that amendment again this evening that gives shareholders rights through the board, not

just on executive compensation, if they are unhappy with the management for any reason, to work through the board and change the board, give them more rights to change the board rather than do this sort of thing.

Mr. Chairman, you will have your own time shortly, the gentleman from New York.

Mr. FRANK of Massachusetts. I am still in Massachusetts.

Mr. CAMPBELL of California. Did I say New York? I am sorry. The gentleman from Massachusetts.

The CHAIRMAN. I would remind both Members that there is a chairman from New York in the room.

Mr. FRANK of Massachusetts. And one is quite enough.

Mr. CAMPBELL of California. I thank the chairman so much for that clarification.

Mr. Chairman, this bill is a statement, it is not a solution. It deals with one thing which is annoying and can be bad, but is not a major, it is not that major an issue relative to all the other things that can deal with corporate governance and bringing corporations down.

Mr. FRANK of Massachusetts. Mr. Chairman, I would take 10 seconds to say that the gentleman from California mischaracterized his own amendment. No amendment he offered would expand shareholder rights. He did offer an amendment that said if there is a pre-existing right to vote for the majority, then this bill does not apply. But no amendment he offered would expand existing shareholder rights.

Mr. CAMPBELL of California. Will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. CAMPBELL of California. The amendment I wished to offer would simply have required that there be a majority.

Mr. FRANK of Massachusetts. What do you mean you wished to offer? I will take back my time.

Mr. CAMPBELL of California. It was ruled not germane.

Mr. FRANK of Massachusetts. I understand that, but let me just give myself 30 seconds.

Mr. Chairman, why didn't he file it as a separate bill? He had no interest in this that I could discover until we brought this bill up. The gentleman said he wanted to offer a nongermane amendment.

Well, you are allowed to introduce bills. Introduce a bill. We will have a hearing. If the gentleman, let me tell my colleagues right now, if they want to introduce legislation expanding the right of shareholders to vote for members of the boards of directors, I will guarantee them a hearing. But the bill has not yet been introduced.

Mr. Chairman, I yield 30 seconds to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, I think it is very important for us to just take a look, very briefly, at

what some of the executives, some of the companies are saying and are doing about this now, because I think it goes right to your argument.

Let us, first of all, let me just call to your attention, one such company, AFLAC, in Georgia. Now, AFLAC announced that it would give shareholders a nonbinding vote on executive compensation. As a matter of fact, AFLAC CEO Dan Amos said these words, which I want you to pay very important attention to. He said this. He said, as the owners of the company, the shareholders should know how executive compensation works.

Now, I think Mr. Amos is right on the money. He simply stated what I think a lot of other companies do in order to maintain integrity.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. SIRES).

Mr. SIRES. Mr. Chairman, thank you for yielding me time, and thank you for your leadership on this legislation.

As an original cosponsor of H.R. 1257, I rise in support of this bill. CEOs should be held accountable to shareholders. Whether you have invested \$100 or \$100 million in a company as a shareholder, you should be allowed to find out the terms and conditions of the compensation package for the company's CEO.

Shareholders should also have the right to express their satisfaction or dissatisfaction over a proposed compensation package. And that is exactly what H.R. 1257 does. It allows shareholders a chance to share their opinion with the board, which will help grant boards pause before approving a questionable compensation package.

This bill does not represent a completely new idea. In fact, the United Kingdom has used a nonbinding shareholder vote approach since 2003. Australia has a similar system. Granting shareholders a say over executive compensation in these two countries has improved dialogue between executives and shareholders and has increased the use of long-term performance targets in incentive compensation. This policy change has clearly worked.

American companies have also started to take notice. Most recently, AFLAC adopted a nonbinding shareholder vote for its CEO's compensation package. In addition, Institutional Shareholder Services reports that 52 other companies are also considering adopting similar policies.

It is now time to grant shareholders in the United States the same rights as their British and Australian counterparts. We need to make sure that all companies take AFLAC's lead by passing H.R. 1257. I urge my colleagues to grant the shareholders more access to the process of forming an executive compensation package.

I urge a "yes" vote on this bill.

Mr. ROSKAM. Mr. Chairman, I yield myself 1 minute.

Just kind of a point of interest, and that is, in response to Chairman FRANK

calling, observing Mr. CASTLE's quotation. And I would just point out that the distinguished gentleman from New Jersey has been sort of selective, I think, in the attributes of England that he finds attractive. One of those that he didn't find attractive apparently is a loser-pay litigation system which would also maybe drive part of that debate.

Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, first, I thank the gentleman from Illinois for this time.

Mr. Chairman, if this bill was about Congress or the Federal Government setting salary levels for top executives, then I would be opposed to it. But that is not what this bill does. This is about letting stockholders, the owners of publicly traded companies, have the right, if they want, to render a judgment about whether the compensation for top executives, their employees, is appropriate.

I know that this bill is not perfect, but neither is the present system. Corporate directors and executives work for shareholders. I do not see how anyone can look at the present system where sometimes CEOs who have failed their shareholders are getting hundreds of millions of dollars of shareholder money, and then say with a straight face that it is bad for shareholders to be able to directly tell corporate directors what they think about these compensation packages.

Mr. Chairman, let me remind the House of a few of the outlandish compensation packages that have been made public: Home Depot CEO Robert Nardelli, total compensation for 2006, \$131 million; Merrill Lynch CEO Stanley O'Neal, total compensation 2006, \$91 million; AT&T CEO Edward Whitacre, Jr., total compensation for 2006, \$69 million; Ford Motor Company CEO Alan Mulally earned \$39.1 million for 4 months in 2006, \$39.1 million for 4 months of work in 2006.

Mr. Chairman, numerous people in the Third District of North Carolina, which I have the pleasure and the privilege to serve, have spoken to me and expressed their concerns about these multimillion-dollar packages. Mr. Chairman, many people have said that America is losing its middle class, but in modern America, more and more middle-class families are becoming stockholders. In 1989, just 30 percent of American households owned stock. Today 52 percent of households own stock; 80 million Americans now own shares of directly held stock, mutual funds or 401(k) retirement plans.

□ 1810

The right to have an advisory vote would strengthen shareholders and strengthen the capitalistic system. Therefore, Mr. Chairman, I support this bill.

And, again, I thank the gentleman from Illinois for the time.

Mr. FRANK of Massachusetts. Mr. Chairman, I reserve the balance of my time.

Mr. ROSKAM. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS), the ranking member.

Mr. BACHUS. Mr. Chairman, I thank the gentleman from Illinois for yielding.

The gentleman on the other side from Kansas City said that he had a problem with excessive executive compensation. And let me say this: I don't think there is a Member of this body in the majority or the minority who hasn't been outraged by what we judge by looking in the paper is a lavish, uncalled-for executive pay compensation. Some of them are indefensible. I would never try to defend them; nor should they be defended. And that is not what we are doing today.

At the start of this debate some 3 hours ago, I said, this debate is not about excessive executive compensation because by its very term, "excessive executive compensation" is excessive. The gentleman from Georgia said it. The gentleman from Kansas City said it. Our constituents are upset about it. And, in fact, last year, this Congress responded to concerns of shareholders, investors and our constituents and voters. And working with the SEC, the Securities and Exchange Commission, we said, you are going to have to disclose these salary compensations. You are going to have to put them out for public scrutiny. And those regulations are just now going into effect. And many of us look at it, and we are dismayed.

Now, we all have a problem with excessive executive compensation. But I think most of my constituents and I think most Americans also have a problem with something else. They have a problem with the Congress micromanaging or mandating what private corporations do. This debate is not about excessive executive compensation, which we all condemn. This bill is not about income inequities, which we all are concerned about. This legislation is about this Congress beginning to tinker and mandate and obligate corporate governance with a vote, not a vote that we say they can take, because today they can take such a vote. A shareholder can ask for such a vote on executive compensation. What this legislation does is it mandates, it requires, it obligates every publicly held corporation in this country to take a vote on their top executives, not just the CEO but the CFO and on down the line. Each shareholder, if this legislation passes, will each year vote on the compensation of all these executives.

And as so often happens in this body, when Congress begins to substitute its judgment for someone else's judgment, we have all kinds of problems that are created. I will predict today one of the problems will be that more companies will become privately held or closely

held corporations. I will predict that hedge funds will grow, and they are already doing that, but this will just be gas on the fire. Publicly held corporations will be taken private by hedge funds. We will have private equity offerings. And all of a sudden, we don't have shareholders. We don't have a right to vote on compensation. We don't even have a right to own the assets of most American corporations.

Now, today I have all kinds of rights. One of the rights that the gentleman from California mentioned, and I have done this, I have owned stock in companies, and I have seen those companies, those boards of directors and those CEOs, capture most of the profits of those companies. I have seen them award excessive option awards. And what I have done is I have sold my stock, and I have gone on and owned another company where that didn't happen. I voted with my feet.

Now, the most successful corporations across this world are not in Australia. They are not in England. They are right here in America. And for over 100 years, we have allowed shareholders to bring proxies and ask for votes when they wanted to and by a certain majority get those votes. We have allowed that if the board of directors vote for excessive compensation today, shareholders have a right to put that board of directors on the road, and they have done that on cases. They have rescinded compensation packages. But whatever else you may disagree or agree with me, certainly you ought to be skeptical of the Congress of the United States, a Congress which does not allow the voters or our constituents to set our pay. They don't set our pay, but all of a sudden, we want the shareholders of corporations to actually vote on the pay of every executive. And we are mandating it. We are not just simply making it possible. It is possible today. It is more government intrusion. And, unfortunately, every time the government overreaches, the consequences don't come back to us in Congress. We will continue to earn a salary. We will continue to be up here. The consequences will be in these corporations, which are the drivers of our economy.

So, in closing, let's not confuse this as a debate on excessive executive compensation. Let's just all agree we don't like it. Let's all agree that we have given the SEC the right, and they publish these salaries. And as we have seen so often, there is criticism in the papers, criticism by shareholders and boards of directors taking action. But let's not substitute our decision, and let's not second guess. Let's not interject the Congress and have the Congress start telling shareholders that they have to, have to pass judgment on the salaries of all top management in every public corporation.

Mr. ROSKAM. Mr. Chairman, I yield myself the balance of my time.

I will insert into the RECORD three letters opposing this legislation by the

U.S. Chamber of Commerce, HR Policy Association and American Bankers Association.

THE ASSOCIATION OF SENIOR  
HUMAN RESOURCE EXECUTIVES,

Washington, DC, April 18, 2007.

RE HR Policy Opposes H.R. 1257, Shareholder  
Vote on Executive Compensation Act.

Hon. SPENCER BACHUS,

House of Representatives, Rayburn House Office  
Building, Washington, DC.

DEAR REPRESENTATIVE BACHUS: On behalf of the HR Policy Association, I am writing to urge you to vote no on H.R. 1257, the Shareholder Vote on Executive Compensation Act, when the House considers it this week. We believe that the bill will have significant negative effects on corporate governance and will not appreciably increase shareholder input into the executive compensation process.

HR Policy Association is a public policy advocacy organization representing the chief human resource officers of over 250 leading employers doing business in the United States. Representing nearly every major industry sector, HR Policy members have a combined U.S. market capitalization of more than \$7.5 trillion and employ more than 18 million employees world wide. Our members are especially concerned that a shareholder vote would undermine the authority of the Board of Directors with respect to compensation and is unnecessary as a tool to increase communications with shareholders.

At the outset, it is important to note that last year, the U.S. Securities and Exchange Commission completed an overhaul of its executive compensation disclosure regulations. The full effect of these changes on executive compensation practices will not be known until after the 2009 proxy season, the first year in which companies will have to present three years of data. At a minimum, the House should defer any action on the legislation until after the effect of the new rules can be fully evaluated.

The Association believes that H.R. 1257 would seriously erode the authority of the Board of Directors to determine appropriate executive compensation levels. Under our system of corporate governance, the Board manages the company on behalf of the shareholders. In turn, the shareholders have the right to vote on strategic matters, such as mergers, and remove directors if they believe the corporation is not being managed in the shareholders' best interests. This delegation of authority is necessary because of the considerable amount of detailed and confidential information that Board members must consider when making decisions regarding corporate strategy and executive compensation. Providing a shareholder vote on compensation would be unprecedented because it would provide a referendum on the results of the Board's decision, rather than on a framework for making decisions, as occurs in the case of shareholder authorization for equity compensation or mergers.

More importantly, a shareholder vote would potentially open up other Board decisions to a shareholder vote, such as the decision to pursue merger talks or settle certain lawsuits, thus substantially slowing the ability of the Board to make quick decisions and undermining competitiveness.

Fundamentally, an advisory shareholder vote would not provide meaningful information to companies about the practices shareholders find objectionable. It is simply an up or down vote, with no explanation attached, leaving substantial questions about its meaning. Under current law, shareholders already may file advisory resolutions with any publicly held company seeking changes in specific executive compensation practices.

There is no need for legislation adopting a mandatory framework that will have a negligible impact on most of the 15,000-plus publicly held companies.

Counter to arguments made in support of the bill, new mechanisms of communications between companies and shareholders are not necessary. Most large companies already hold periodic meetings throughout the year with their largest shareholders on a variety of subjects, including compensation.

In addition, the shareholder vote concept has been imported from the United Kingdom, but the U.K. regulatory and legal systems are substantially different from those in the U.S., and the results of a shareholder vote are likely to be fundamentally different. In the U.K. the two largest investors control roughly 30 percent of the market while in the U.S. ownership is more diffuse, making shareholder consensus much more difficult. The U.K. has voluntary corporate governance standards with less rigid standards for Board member independence, and Board members may avoid all liability with an advisory shareholder vote. In the U.S., Board members have fiduciary liability, and are subject to shareholder derivative actions, regardless of a shareholder advisory vote. The threat of litigation acts as a check on Board actions.

The U.K. shareholder vote requirement also has had significant negative effects that would negatively impact the management of U.S. companies. These effects include encouraging executives to seek positions with private equity firms; making pay arrangements more standardized, rather than customized to the company; increasing diligence among compensation committees similar to that already occurring in the U.S.; and, increasing the power of the proxy advisory services and hedge funds as institutional investors outsource their compensation research, engagement with boards and vote administration duties. These negative effects outweigh the benefits of a shareholder vote.

For all of these reasons, we oppose H.R. 1257 and encourage the House to reject it. If you have any questions, please do not hesitate to contact Tim Bartl of our staff at 202-789-8670. Thank you for your consideration.

Sincerely,

JEFFREY C. MCGUINNESS,  
President.

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA,  
Washington, DC, March 27, 2007.

Hon. BARNEY FRANK,  
Chairman, Committee on Financial Services,  
House of Representatives, Washington, DC.

Hon. SPENCER BACHUS,  
Ranking Member, Committee on Financial Services,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, is committed to supporting good and responsible capital market regulation, including efforts to strengthen board compensation committees and to provide disclosure of clearer information about executive compensation.

Fundamentally, the Chamber believes that well-functioning independent compensation committees, along with clear and fair disclosure, represent the best means to determine executive compensation. The amount and terms of employment and executive compensation agreements result from a complex interaction of interests. The negotiations of these interests can produce highly complex arrangements that reflect varying interests

of the parties. Ultimately, corporate boards want to retain executives who will perform at a high level and produce value for shareholders and jobs for workers.

The Chamber respectfully submits that allowing shareholders—rather than the board—an advisory “say on pay” will not produce the intended result. Shareholder votes are more likely to reflect their views on past stock or management performance rather than real insight into how to structure future compensation to ensure it drives future results. Further, the Chamber is concerned that this would result in yet another forum for “special interest politics.” For these reasons, the Chamber opposes H.R. 1257, the “Shareholder Vote on Executive Compensation Act.”

Sarbanes-Oxley has yielded significantly stronger and more independent boards and compensations committees. The Securities Exchange Commission has taken important steps recently to expand transparency and disclosure of executive compensation, and we believe that these steps need to be given adequate time to have an impact. The Chamber looks forward to working with Congress and the SEC to ensure that the combination of these steps is producing effective governance for shareholders and workers.

Sincerely,

R. BRUCE JOSTEN.

AMERICAN BANKERS ASSOCIATION,  
Washington, DC, April 18, 2007.

Re H.R. 1257, shareholder vote on Executive  
Compensation Act.

Hon. BARNEY FRANK,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE FRANK: On behalf of the American Bankers Association (ABA), I am writing to express our opposition to H.R. 1257, the Shareholder Vote on Executive Compensation Act, which is scheduled for consideration on the House floor beginning today, with a final vote on Friday morning.

A major reason for our opposition is the fact that a majority of the corporations that would be impacted by H.R. 1257 will distribute their 2007 proxy statements to shareholders over the next three months. Rules recently adopted by the Securities and Exchange Commission (SEC) will now require these proxy statements to provide extensive narrative and tabular disclosures regarding CEO and other covered executives' salaries, stock awards, deferred benefits, retirement and severance packages, and perquisites. The ABA strongly believes that Congress should give the SEC's rules time to take effect and have an impact on boards and shareholders. After assessing the effect these disclosures have had on the marketplace, Congress can determine whether legislation is warranted.

Further, shareholder advisory votes may be appropriate where there are few mechanisms in place to protect the company. That is not the case in the United States. Boards and their compensation committees have legally enforceable fiduciary responsibilities to the company and its shareholders to ensure that company assets are not wasted. To properly carry out those responsibilities, a majority of board members must be independent and the compensation committees must consist solely of independent directors. Company boards and committees meet, without company management present, in executive session. Committee directors approve the CEO compensation that is to be recommended to the full Board based on the specific company's goals, various performance metrics and the terms of the CEO's employment contract. In this country, a combination of state corporate laws, exchange listing standards, and best practices tie

board accountability to shareholders on executive compensation and other issues that boards face.

Also, the bill has several unintended consequences that we wish to bring to Members' attention. First, the bill presumes that shareholders hold unanimous views on any given corporate issue, but this is frequently not the case. In fact, if this bill were to become law, a CEO of a publicly traded bank could find him or herself at the mercy of a

\* \* \*

Mr. Chairman, I sense that really our country is at a tipping point on a lot of questions, and you really sense this, those of us who were at home in our districts over the past couple of weeks. There are a lot of issues, and I know this is sort of an understatement, that are before this body that are issues where we are either going to make a good decision that will make us fruitful and prosperous and robust as a country or we have got the possibility to make a bad decision that puts us in the trajectory on a different direction. And I would suggest that this is one of those sort of tipping point questions.

Now, is the sun not going to rise tomorrow if this bill becomes law? No. The sun will rise tomorrow and we will be still a prosperous country. But it is one of those things that will have a ripple effect because, in the subtext of this bill, remember the chairman talked about facts of nature, the fact of nature is that, when there is an action, there is a reaction. And I would submit that one of the reactions of this bill, Mr. Chairman, is that there are going to be companies, there are going to be bright people that say, I am not going to take this company public. I am going to remain private.

□ 1820

Now, who loses with that? You know who loses? The individual shareholder. It is the mom and pop. It is the person that is struggling, that really wants to have access, but because it is a private company, they don't have access because it is not traded publicly.

What is the other effect? The other effect is that this basically tells many companies, why don't you figure out ways to go do business elsewhere? Why don't you go somewhere else? Because we are the Congress, and we are going to reach in and we are going to manage you. I just think we can do better.

Look, there is nobody here that is defending overly compensated CEOs, and I think the majority's proposal here is ironically very silent as to certain settlement agreements. It is inherent in the process that you settle cases to make them go away.

In closing, Mr. Chairman, I rise in opposition to this bill, and ask my colleagues to do the same.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just note in passing that I saw the letter from the Chamber of Commerce, and I was particularly struck that the Chamber of Commerce said we don't need this bill

because Sarbanes-Oxley has been such a good law. Specifically, what they said was, Sarbanes-Oxley has yielded significantly stronger and more independent boards and compensation committees. So I think that the Chamber of Commerce's endorsement of the good results of Sarbanes-Oxley also ought to be made public here.

Mr. Chairman, I yield my remaining time to the gentleman from North Carolina (Mr. MILLER), a relatively senior Member. Not particularly the one I had in mind, but a very able and useful Member.

The Acting CHAIRMAN (Mr. ETHERIDGE). The gentleman from North Carolina is recognized for 5 minutes.

Mr. MILLER of North Carolina. Mr. Chairman, I disagree with my friend, Mr. BACHUS, who said this bill is not about income and equality. I think it is at least partly about income and equality. And I disagree with Mr. ROSKAM, who said that corporate executives, the CEOs, are responsible for the growth in the American economy, the increase in productivity in the American economy, and therefore they should be getting paid much more than they are.

Mr. Chairman, I think the American worker is not getting enough credit for the growth in the American economy, for the increase in the productivity of the American economy. They are not getting enough credit on the floor of this House tonight, and they aren't getting enough credit in their paychecks, in how they are compensated, and there is a widening gap.

It has never been a particularly small gap in this country. Fifteen years ago, the average CEO, the typical CEO, made 140 times what the average American worker at that corporation made. Now, 15 years later, it is 500 times what they make. It is a significant part of what the corporation makes overall; it is now 10.3 percent. The aggregate compensation of the top five executives is now 10.3 percent of the corporate profits of major corporations, public corporations in America. That is twice what it was 15 years ago.

Yes, top corporate executives, CEOs, are getting more and more of the benefit of the growth in productivity and the profitability of corporations, and it is wildly out of alignment with what they are doing, how well they are leading the corporations.

In fact, if you allow shareholder democracy, if you let shareholders have a say in how corporate executives are paid, because it is, after all, their company; they are going to insist that corporate performance be in alignment with corporate executives.

We don't have shareholder democracy now, Mr. Chairman. This bill begins to get at that. But right now CEOs pick the boards of directors, the boards of directors pick the CEOs, they answer to each other, they don't answer to the shareholders.

What we are considering now is very similar to what Great Britain has had for about 5 years, and it has worked

pretty well in Great Britain. It has inhibited outrageous pay packages that have gone to CEOs and top executives in Britain.

Here is what is happening: The boards of directors know that they are going to have to explain themselves. They are going to have to explain themselves to shareholders. They are going to have to tell shareholders exactly what the compensation is, and they are going to have to explain what it is and what they have done.

That has inhibited what they have done. And they have gone back to the CEOs and said to the CEOs, look, we know you are worth every penny of what you are asking. But you know what a Bolshevik rabble our shareholders are. We will never be and to explain it to them. So they scale it back a little bit. And executive compensation in Great Britain has not gone up in the last 5 years the way it has in the United States, and the performance of Great Britain's corporations has been every bit as strong as what we have had here.

Mr. Chairman, if we let corporate shareholders vote, if we allow corporate democracy, they are going to insist, they are not going to throw out every pay package. In fact, it has only happened one time in England in the 5 years. GlaxoSmithKline was embarrassed pretty badly, and they went back and they renegotiated their pay compensation for their CEO. But it has inhibited their conduct, and shareholders have voted for very generous pay packages where it is justified by the performance of the corporate executives.

This bill makes a very modest change. But by simply requiring corporate boards of directors to explain what they are doing, to say right out in front of God and everybody what they are paying the CEO and why they are paying him that much, it has had an important change in corporate conduct in Great Britain, and it should here as well.

Mr. Chairman, I yield back the balance of my time to Mr. FRANK.

The Acting CHAIRMAN. The gentleman from Massachusetts has 30 seconds remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I would just say I also want to welcome this renewed faith that I have heard from my colleagues in the American corporate system. Recently corporate America and financial America has been lamenting how badly we regulate compared to England.

We have heard from the Paulson Committee, so-called after the Secretary of the Treasury, we have heard from the Chamber of Commerce, we have heard from the McKinsey report that we should be more like England. I am glad now to have this affirmation that even with Sarbanes-Oxley that the Chamber of Commerce praises so loudly, even with the Securities and Exchange Commission apparently not being the FSA, the American system

still works. That is a good counter to some of what we have heard lately.

Mr. MARKEY. Mr. Chairman, the "Shareholder Vote on Executive Compensation Act" is a bill whose time has come, and I am pleased to rise in strong support of this important legislation.

According to the Congressional Research Service (CRS), in the past ten years, CEO pay has more than doubled, and the ratio of median CEO pay to worker pay has risen to 179 to 1. The escalation in executive pay raises significant issues, including the equity of widening income disparities and the potential that such extraordinary CEO salaries may be a result of inefficient labor markets. The bill before the House today provides a balanced, pro-market approach to this addressing issue. Specifically, the nonbinding advisory vote mandated in this bill will give shareholders a mechanism for supporting or opposing their company's executive compensation practices without diminishing the board's legal authority. Such a vote will signal to the board, without tying its hands, that the individuals who actually own the firm will hold the board accountable for CEO pay packages, which should give board members some pause before approving excessive compensation plans.

H.R. 1257 does not cap, limit or change any CEO's pay. Rather, it simply requires that shareholders have a "nonbinding" say on their company's salary decisions. Moreover, the SEC already requires companies to disclose compensation. The SEC's recent executive compensation disclosure rules already require that companies disclose their compensation packages in their annual proxy. The annual vote requirement simply requires that companies add a line to that disclosure permitting shareholders to approve or disapprove the compensation packages and also tally the votes. Shareholders are the owners of our Nation's public companies. They should have the right to vote on the compensation packages for companies' senior officers.

The cost to businesses complying with the bill's provisions would be minimal. In fact, CBO estimated that costs from the annual vote would fall well below the annual threshold for private sector mandates—that is, below \$131 million in 2007 for the entire country. This is a tiny, and worthwhile, cost that is more than offset by the significant benefit it provides shareholders by enabling them to have their voices heard in the board room. Additionally, businesses are provided more than enough time to make the logistical arrangements necessary for the nonbinding advisory vote, as it would not be required until the 2009 proxy season.

The nonbinding vote has been used successfully in other countries. For example, the nonbinding advisory vote approach has been used in the United Kingdom since 2003 and is now used in Australia, without impeding economic activity in any way. To the contrary, the policy change is credited with improving management-shareholder dialogue on executive compensation matters and increasing the use of long-term performance targets in incentive compensation. In the United States, the nonbinding advisory vote on CEO pay recently was adopted voluntarily by Aflac, and is currently pending before numerous U.S. public companies.

I commend my colleague from Massachusetts, BARNEY FRANK, the Chairman of the

House Financial Services Committee for bringing this important bill to the Floor today and urge an "aye" vote.

Ms. JACKSON-LEE of Texas. Mr. Chairman, rise in strong support of this legislation. The average American has lost faith in corporate America. The typical consumer perceives these corporations as mighty entities who control this very floor that we speak on, ensuring that the corporations have their needs met at the expense of your average American. However, as members of Congress we represent middle class America, and we have to ensure that their interest are protected and addressed with fair and thoughtful legislation. That is why I am pleased to offer my support to H.R. 1257.

As the average pay for non-management workers remains stagnant, corporate executives have enjoyed hefty pay raises. These payouts include the CEO's salary, expense accounts, stock shares, and retirement packages. The underlying legislation does not seek to punish these CEO's, or take from them what they have received. However, this legislation does hold accountable the board members responsible for making decisions on executive compensation although it does not take away their power.

This legislation is about transparency. Transparency leads to trust which leads to consumer confidence, which means our economy will benefit in the long run. As Justice Brandeis said long ago, "sunshine is the best disinfectant."

Some may argue that the rise in salaries is in response to a competitive job market with very few qualified individuals. In part that may be true, but this is about protecting the shrinking middle class in a society where the rate of inflation and the cost of living has increased.

To my colleagues who oppose this legislation, I ask that you seriously reconsider. In the end we have more to gain when corporations are forthright with business practices, especially as it pertains to executive compensation. The SEC has responded to this issue by revising its disclosure rules regarding executive compensation, but it is not enough. A publicly held corporation owes it to their shareholders, i.e., its investors to give them some type of consideration regarding executive compensation. Many middle class Americans have their 401(k) plans tied into stock options, thus they have a vested interest in what is occurring behind the closed doors of corporate America.

I support H.R. 1257, I support middle class America, and I encourage my colleagues to do the same.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1257

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Shareholder Vote on Executive Compensation Act".*

**SEC. 2. SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION DISCLOSURES.**

*(a) AMENDMENT.—Section 16 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended*

*by adding at the end the following new subsection:*

*"(h) ANNUAL SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.—*

*"(1) IN GENERAL.—Any proxy or consent or authorization for an annual or other meeting of the shareholders occurring on or after January 1, 2009, shall permit a separate shareholder vote to approve the compensation of executives as disclosed pursuant to the Commission's compensation disclosure rules (which disclosure shall include the compensation discussion and analysis, the compensation tables, and any related material). The shareholder vote shall not be binding on the board of directors and shall not be construed as overruling a decision by such board, nor to create or imply any additional fiduciary duty by such board, nor shall such vote be construed to restrict or limit the ability of shareholders to make proposals for inclusion in such proxy materials related to executive compensation.*

*"(2) SHAREHOLDER APPROVAL OF GOLDEN PARACHUTE COMPENSATION.—*

*"(A) DISCLOSURE.—In any proxy solicitation material for an annual or other meeting of the shareholders occurring on or after January 1, 2009, that concerns an acquisition, merger, consolidation, or proposed sale or other disposition of substantially all the assets of an issuer, the person making such solicitation shall disclose in the proxy solicitation material, in a clear and simple form in accordance with regulations of the Commission, any agreements or understandings that such person has with any principal executive officers of such issuer (or of the acquiring issuer, if such issuer is not the acquiring issuer) concerning any type of compensation (whether present, deferred, or contingent) that are based on or otherwise relate to the acquisition, merger, consolidation, sale, or other disposition, and that have not been subject to a shareholder vote under paragraph (1).*

*"(B) SHAREHOLDER APPROVAL.—The proxy solicitation material containing the disclosure required by subparagraph (A) shall require a separate shareholder vote to approve such agreements or understandings. A vote by the shareholders shall not be binding on the board of directors and shall not be construed as overruling a decision by such board, nor to create or imply any additional fiduciary duty by such board, nor shall such vote be construed to restrict or limit the ability of shareholders to make proposals for inclusion in such proxy materials related to executive compensation."*

*(b) DEADLINE FOR RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Securities and Exchange Commission shall issue any final rules and regulations required by the amendments made by subsection (a).*

The Acting CHAIRMAN. No amendment to that amendment shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in a daily issue dated April 17, 2007, or earlier, and pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

AMENDMENT NO. 1 OFFERED BY MR. BACHUS

Mr. BACHUS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BACHUS:

Page 4, beginning on line 8, strike "Section 16" and insert "Section 14", and on line 11, strike "(h)" and insert "(i).

Mr. BACHUS. Mr. Chairman, as has been said during this debate, this legislation amends the 1934 Securities and Exchange Act, and it seeks to amend section 16. Section 16 covers reports by officers, directors and owners of 10 percent or more of the equity of a corporation and requires them to disclose certain equity positions. Section 14 of that act, on the other hand, deals with proxy statements and shareholder votes.

Quite simply, this legislation requires a corporation, the shareholders of a corporation, to take a vote on the executive compensation of the top five or six executives, and therefore this legislation more appropriately ought to be placed under section 14.

I want to thank Chairman FRANK. I noted that it was more appropriately placed in section 14. He offered an identical amendment moving it to section 14 also, and has allowed me the courtesy of actually offering my amendment, as opposed to his amendment, which I think is just further evidence during the committee hearing on this issue and in the floor debate of his willingness and openness to fully discuss, fully debate and allow the minority to have participation in this debate. So I commend him for doing that.

Mr. Chairman, I would simply move that we reorder this legislation and place it more properly in section 14 of the act.

The SEC supports my amendment, and I urge its adoption.

□ 1830

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words to first thank the gentleman from Alabama for his kind remarks about the way we have been working together in committee. I would just say that I have too recently been in the minority to be abusive. I hope that will last. I certainly intend it to. I am told, by the way, by our Parliamentarian, who, as the gentleman knows, was the Parliamentarian when the other side was in the majority, we have already had more rollcalls in committee in this year than we have had in the previous congressional session. While we have been moving a lot of bills and we have been able to do it expeditiously, I think we've aired a lot of issues, on this particular case, members of the minority made this suggestion, and it is a plausible one. It improves the bill. I realize that they still don't like it, but I appreciate this constructive spirit, and so I urge adoption of the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. BACHUS).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. ROSKAM

Mr. ROSKAM. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. ROSKAM: Page 4, line 13, strike "IN GENERAL" and insert "ANNUAL VOTE".

Page 4, beginning on line 14, strike "or other meeting of the shareholders" and insert "meeting of the shareholders (or a special meeting in lieu of the annual meeting)".

Page 5, beginning on line 7, strike "or other meeting of the shareholders" and insert "meeting of the shareholders (or a special meeting in lieu of the annual meeting)".

Mr. ROSKAM. Mr. Chairman, I have offered this amendment to clarify some possibly misleading language in H.R. 1257, and it simply strikes "or other meeting of the shareholders" and inserts "meeting of the shareholders or a special meeting in lieu of the annual meeting," at page 4, line 14 and page 5, line 7. The bill would allow, as we have discussed, a separate, nonbinding shareholder vote to approve the compensation of executives for any proxy, consent or authorization for an annual meeting. As currently drafted, the language in the bill asserts that this would be an annual meeting or other meeting of the shareholders. This language could potentially lead to allowing multiple nonbinding shareholder votes throughout the year instead of just at the annual or special meeting in lieu of the annual meeting, and, therefore, clarification of this language is needed. Hence, the reason for the amendment.

My concern is that if the current language were to be placed into law, that multiple votes would be forced to be taken throughout the year which would distract the board and the executives from their primary responsibility, that is, ensuring that they put in place good business practices that benefit the shareholders' investment instead of being distracted multiple times by a whole host of votes.

The greater concern would be that these potential multiple votes would ensure fiscal and business priorities are not in the forefront of the board members' minds, ultimately having the ill effect on global competitiveness of American business. I spoke to the chairman earlier, and I believe that it's a noncontroversial request to clarify language.

I urge all of my colleagues to support the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

The gentleman from Illinois has accurately described this, and I urge its support.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ROSKAM).

The amendment was agreed to.

AMENDMENT NO. 4, AS MODIFIED, OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I rise to offer amendment No. 4 and to make a unanimous consent request to modify it.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FRANK of Massachusetts:

Page 4, line 13, strike "IN GENERAL" and insert "ANNUAL VOTE".

Page 4, beginning on line 14, strike "or other meeting of the shareholders" and insert "meeting of the shareholders (or a special meeting in lieu of the annual meeting)".

Page 4, line 16, strike "shall permit" and insert "shall provide for".

Page 4, line 22, insert "the corporation or" after "binding on".

Page 5, beginning on line 7, strike "or other meeting of the shareholders" and insert "meeting of the shareholders (or a special meeting in lieu of the annual meeting)".

Page 6, line 3, strike "shall require" and insert "shall provide for".

Page 6, line 6, insert "the corporation or" after "binding on".

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 4 offered by Mr. FRANK of Massachusetts:

Page 4, line 19, strike "shall permit" and insert "shall provide for".

Page 4, line 25, insert "the corporation or" after "binding on".

Page 6, line 5, strike "shall require" and insert "shall provide for".

Page 6, line 8, insert "the corporation or" after "binding on".

Mr. FRANK of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

Mr. FRANK of Massachusetts. I appreciate the other side going into their non-objectionable mode, at least for the nonce.

I did this because I had an amendment that included several provisions, one of which was identical to the provisions the gentleman from Illinois just offered, and that having been adopted, it would be redundant to do it again. This is, again, I believe, a technical amendment. It simply tries to conform the language in the bill with regard to what it requires.

I think the best way to say it, Mr. Chairman, is this. There was disagreement on the substance of what we require. We did want to make it clear, however, that we weren't requiring any more than that, and any suggestion that we might have been creating procedural or other kinds of obstacles, we wanted to work together to avoid. This is in furtherance of that, so I ask that the amendment be adopted.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 6 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.



The text of the amendment is as follows:

Amendment No. 6 offered by Ms. JACKSON-LEE of Texas:

Page 6, line 13, strike the close quotation marks and following period and after such line insert the following new paragraph:

“(3) WEBSITE DISCLOSURE OF VOTE.—Not later than 30 days after the votes provided for in paragraphs (1) and (2)(B) are counted, the issuer shall post the results of such vote in a prominent location on the issuer’s Internet website (if the issuer maintains an Internet website).”.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the chairman of the full Committee on Financial Services and the ranking member. Let me answer, in the course of debating or discussing this amendment, a question that was raised in debate earlier today, and it made the point that nothing is being done. Let me make a resounding point of opposition to that statement and say, yes, something is being done. It is making the shareholders of America stakeholders in the major corporations of America. It’s making them relevant. It’s making them equal, if you will, to those who make decisions about the termination of employees, the direction of business, and yet have no input from the holders of the company on the compensation of the chief executive.

This is a positive step in the right direction. It is a light at the end of the tunnel. And I say that because most recently we heard of the most shocking termination of large numbers of employees of Citicorp. But some 24 hours later, we heard a small voice say that also the CEO would be looking to cut his compensation to let the shareholders know and the employees know that he, too, would experience the pain of cutbacks.

My amendment simply augments this legislation by suggesting, or requiring, that the votes that were taken by the shareholders be actually posted. So even though this is a nonbinding vote, all might be able to see. And I know that there are certainly other means of reporting this particular vote count, but I think it would be important to do so.

Now, let me indicate that I want this bill to pass, and frankly, I want to find every way that we never have an Enron or WorldCom where individuals such as a Mr. Fastow had an enormous latitude of salary but wasn’t worried about bringing the company down. I want to work with this committee as we move forward.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I would be happy to yield to the distinguished gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentlewoman. She is, as always, a staunch defender of her constituents, including those who were hurt by Enron.

I could not object to this in principle, and I did say this. We made an effort to make this bill minimally intrusive. I

would expect that these votes would be promptly published. But the gentlewoman has a legitimate concern, and I would make this commitment to her: If this bill becomes law and we encounter any effort not fully and promptly to publish these, then I promise her an immediate hearing and action on her amendment.

So I think we will take this, I hope, as a chance to give people the message, if this bill becomes law, it should be complied with forthrightly and effectively; and if we encounter any efforts at any kind of obfuscation, then the gentlewoman, I promise her, will be back on the floor with our support.

Ms. JACKSON-LEE of Texas. Reclaiming my time, let me indicate in conclusion my desire to work with this committee, particularly since such a great impact has been experienced by those in the Houston area and certainly around the country.

With that in mind, my intent was, of course, to further enhance the rights of stakeholders and shareholders. I look forward to working with the chairman and more importantly look forward to the compliance when this bill becomes law so that all are, if you will, in concert with the prompt and efficient leadership of America’s corporations.

Thank you for the opportunity to speak on my amendment to H.R. 1257, the “Shareholder Vote on Executive Compensation Act.” My amendment is a step towards transparency.

By requiring the company to post in a prominent place, on the company’s website the results of any shareholder votes on executive compensation, shareholders, consumers, and the general public will regain their confidence in corporate America.

My amendment is non-controversial and makes sense, and its Shareholders, employees, vendors, and the public have a vested interest in transparency, especially in light of the numerous corporate scandals that have occurred in recent years.

I urge my colleagues to support this legislation. Executive salaries have risen dramatically, while the average American worker continues to struggle.

My amendment and the underlying bill will hold board members accountable for their decisions regarding executive compensation. While many on the other side of the aisle have mentioned unintended consequences in their objection to this legislation, I will mention the real consequences. The real consequence of passing this legislation along with my amendment is the positive message we will send to the American people. That message is that we, Members of Congress are more concerned with the problems facing the struggling middle class than we are in helping corporate CEO’s hide the amount of their compensation from the American people. I urge you to support my amendment.

Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

□ 1840

AMENDMENT NO. 13 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The ACTING CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. SESSIONS:

Page 6, line 13, strike the close quotation marks and following period and after such line insert the following new paragraph:

“(3) DISCLOSURE OF ACTIVITIES TO INFLUENCE VOTE.—Notwithstanding paragraphs (1) or (2)(B), a shareholder’s vote shall not be counted under such paragraphs if the shareholder has spent, directly or indirectly, more than a de minimis amount of money (as determined by the Commission) on activities to influence a vote of other shareholders, unless such shareholder discloses to the Commission, in accordance with rules prescribed by the Commission—

“(A) the identity of all persons or entities engaged in such a campaign;

“(B) the activities engaged in to influence the vote; and

“(C) the amount of money expended on such a campaign.”.

Mr. SESSIONS. Mr. Chairman, my amendment would, very simply, provide sunshine and transparency for shareholders so that there is full disclosure about who is financing efforts to influence their vote on this new congressionally mandated, nonbinding shareholder resolution. Let me give an example of a substantially similar disclosure requirement that every Member of this body understands, because it is already a current practice.

As Federal candidates, we are each obligated to disclose to the Federal Election Commission the name, occupation and amount given from each of our donors. These funds can then be used for FEC-approved campaign purposes. We require this, as well as we create caps for the amount that can be donated over a legislation cycle, because public interest is advanced by letting those who cast votes for their Members of Congress know who funds these campaigns.

My amendment would not limit the amount that can be spent like the FEC does for political contributions on the amount that people or organizations like labor bosses, environmental groups or consumer advocates spend on influencing this new mandatory non-binding vote.

The purpose of this amendment is not to impede the ability of organizations to influence this vote. If they hold shares in stock, they would be willing to express their desires. The point of this amendment is simply to provide voters, in this case, shareholders, with access to information about who is spending money to influence that vote.

My amendment tasks the Securities and Exchange Commission with setting a de minimis level of spending and with collecting important information about anyone or any organization that spends over that amount to influence this vote, including who is spending the money, what they are spending the money on and how much they are spending to influence the votes of other shareholders. If an individual wants to

spend more than this de minimis amount and not disclose their identity to shareholders, they are still perfectly able to do so. However, their votes would no longer count in this mandatory vote.

My amendment provides an appropriate level of transparency for shareholder elections. And if we believe that voters deserve this information, then we should also be willing to give shareholders this same level of transparency.

I firmly disagree with the Democrat majority, with the underlying premise of this legislation that it is the Federal Government's job to place this non-binding mandate on private entities, especially because public companies are already empowered to take this shareholder vote if they so choose and because there is no obligation for anyone to own shares in the company if they do not like the way that it is being managed.

I am also confused by the Democrat majority's recent conversion to the merits of democracy in determining an organization's actions. Less than 2 months ago, the same leadership brought to the floor legislation that strips American workers of the right to use a secret ballot to decide whether or not to unionize, and provides for unprecedented intimidation of employees by union bosses under a fundamentally antidemocratic process known as "card check."

But if we are going to pass this interventionist legislation, my amendment would be one small step in the right direction towards giving shareholders all the disclosures that they might need to make an informed decision.

Mr. Chairman, I include for the RECORD a letter of support from the American Shareholders Association that was sent to Speaker PELOSI in support of my amendment.

AMERICAN SHAREHOLDERS ASSOCIATION,  
Washington, DC, April 18, 2007.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR SPEAKER PELOSI: On behalf of American Shareholders Association (ASA), I wish to express this organization's strong support for an amendment to be offered to H.R. 1257 by Rep. Pete Sessions. In short, this amendment seeks greater disclosure of funding designed to influence shareholder votes.

Over the past several years we have witnessed the rise of special interest groups seeking to turn boardroom votes into political campaigns. While activist investors seeking to increase shareholder value is welcome by our standards, we have become increasingly concerned by activist investors seeking to achieve political gain with board votes and little regard to what is in the best interests of shareholders.

As such, today's vote on H.R. 1257 should be amended to impose sunlight on the political campaigns being waged in corporate boardrooms, which the Session amendment achieves. This is accomplished by tasking the Securities and Exchange Commission with collecting information regarding the shareholders spending money to influence the vote; the amount spent; and the activities the money was spent on.

While corporate governance is a worthwhile objective we have witnessed a substan-

tial increase in the number of shareholders using this term as a guise at the expense of individual shareholders. The Sessions amendment is designed to protect individual investors from these activities and I urge you and the entire Democratic Caucus to support this very worthy amendment.

Sincerely,

DANIEL CLIFTON,  
Executive Director.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

I don't know how many conversations Members of this House have had with corporate officers and leaders, but very often when you ask them why they will do something or not do something, they tell you that they are there because they have to take care of their shareholders, they have to protect their shareholders, and the shareholders control the corporation.

But when we get to executive pay, all of a sudden we find out that they really don't want to have this discussion among shareholders about executive pay. And here we are presented with an amendment that is designed to close down those discussions, and it is certainly designed to close down those discussions among average shareholders.

I don't know when the shareholder gets the determination of whether or not they have spent a de minimis amount of money or not. I don't know for a retiree, for a pensioner or a worker of that corporation, if they spend \$100 or \$500, if they give to a campaign, is that a de minimis amount? Maybe to them it is not, but it may be to the campaign. I don't know when that determination is made so that they can then speak out or not speak out or have their vote counted.

And when are they in jeopardy or not in jeopardy? I don't know. Are they responsible for the rest of the campaign if they simply decide to send money to a campaign and vote their vote because it is the only organization available when it is an organization if pensioners decide that they don't like the direction this company is going?

So what you are really doing here is, you are trying to chill the speech and freeze the speech by putting them and holding them responsible for the disclosure that they may not have any control over. They may not have any control over the entities, all persons or entities engaged in such a campaign, they may not know that. They may know they just don't like that executive compensation or they want a discussion of it. They don't necessarily know the activities engaged in to influence the vote.

You know, a lot of times people will hear about these campaigns in the newspaper because they are there, and they don't know the amount of money that is expended on the campaign. When do they get to vote? When do they get to vote? They don't have this information on their person, so to speak, but unless they can comply with this form, their vote is not counted.

Now, let's flip it over to the other side. The corporation can use corporate

funds to make a general solicitation of proxies. They don't even have to speak about this campaign, they don't even have to speak about executive pay. They make a general solicitation. They say the shareholders' meeting is coming up, this is the agenda and this is what is going to be on it. Then they get to vote any way they want. What the hell is going on here?

I want to spend \$100 or \$500 because I think that this is not in the best interest of me. I am a shareholder, I own the stock, and I have got to jump over all the hoops; and the corporation just glides through an election and they have the proxies. This sounds like the problem with executive compensation; the decision is made at the corporate level, and nobody gets to second-guess it.

Send out a general solicitation. Maybe there is no campaign against executive pay at the time that the solicitation for proxies goes out. You know why? Because very often most people don't know what the executive pay is. You can read that form until you are blue in the face and you don't know what it is.

How many times have we heard executive compensation boards say, I was in the room, I didn't know we were paying them \$37 million? I was in the room, I didn't know he got those stock options. I was in the room. That is why we started putting responsibility on people who were in the room.

But now this poor shareholder, this poor shareholder who is not in the room, who is not on the inside deal, this person has to jump through hoops. And then I guess what do you do? You petition to have them count your vote, and then in the petition you say, to the best of my knowledge, these are all persons who were engaged in the campaign, and to the best of my knowledge, this is what they did to influence a vote, to the best of my knowledge, this is the amount of money spent; and if it turns out to be wrong, your vote is thrown away. You call that democracy? That sounds like what they call democracy in Latin America or something.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The gentleman should give my friends on the other side credit for consistency. As he knows, their definition of democracy has recently frequently included throwing votes away.

Mr. GEORGE MILLER of California. You mean those 13,000 in Florida that are missing? I thank the gentleman.

So this is an incredibly one-sided amendment. This should not be accepted by this House. This certainly should not be accepted when the purpose of the legislation is to expand the participation, the meaningful participation of the shareholders, the people who made a decision to go out and to buy the

stock, or they earned it in their retirement fund.

□ 1850

The Acting CHAIRMAN. The time of the gentleman from California (Mr. GEORGE MILLER) has expired.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. SESSIONS. I don't have an objection. I would ask the same.

Mr. FRANK of Massachusetts. I will extend the gentleman a similar courtesy.

Mr. SESSIONS. Then that would be fine; the gentleman may continue.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 2 additional minutes.

There was no objection.

Mr. GEORGE MILLER of California. The point is this. The purpose of this legislation is to address a situation which has unfolded in this country in front of so many American workers, so many retirees, so many people who are close to retirement, when all of a sudden they see that, in the executive suites, they take care of themselves in the cloak of secrecy. And so when all of a sudden a major airline, a major automobile company or any other major corporation goes into bankruptcy, they find out that the executives, as part of their compensation, decided that they would have a bulletproof deferred retirement compensation plan, a bulletproof pension plan; while everybody else was in bankruptcy, that they created a trust, all part of executive compensation. And that is why people are now saying these shareholders, the vaunted basic fundamental makeup of the corporation, the shareholders should be engaged in this conversation.

This amendment comes to the forefront and really starts to strip away that discussion. Reminding you, this is a discussion, since this is a nonbinding advisory vote, so this is a discussion and a vote. And so the question really is, are we going to take the very same people who we pay great deference to when the corporation wants to tell you why they have to do something or they can't do something, it is because of the shareholders; but when it comes to executive compensation, we are going to shut down the ability of those individual shareholders and retirees and others to be able to have this discussion about executive compensation. And executive compensation is getting so large now that it in fact does impact the shareholders, because many corporations if you look at it, you think how much would they have to do to drive that amount of money to the bottom line? What would they have to do to drive that amount of money to the bottom line? This amendment should be rejected because it is contrary to the purpose and intent of this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman from Texas be permitted to proceed for 2 additional minutes.

The Acting CHAIRMAN. Without objection, the gentleman from Texas is recognized for 2 minutes.

There was no objection.

Mr. SESSIONS. Mr. Chairman, I appreciate the gentleman from California as well as the gentleman from Massachusetts, who, as the chairman of the committee, has forthrightly come before the Rules Committee, made himself available and is doing so again tonight on the floor.

Mr. Chairman, it is quite simple that this is about transparency, and I think that is what this bill is about. It is about bringing transparency and some clarity to a shareholder, to be able to know a little bit more and to express themselves about what they think about executive compensation.

I disagree with that. But let's add some more transparency and at least say that if someone else is going to become engaged in the effort, other than the individual shareholder, that they be given an opportunity to have to at least register their activities and what they are doing. The Securities and Exchange Commission, just like the Federal Election Commission, has a lot of knowledge about how business works and how transactions work. I have no reason to assume that, let's say, GE, that they would have a shareholder for GE held to some standard of \$500 or \$1,000 as the gentleman suggests, that some retiree could not influence as many people as they wanted, that they would have to go through a reporting process.

Mr. Chairman, the bottom line is that this should be about doing the right thing, where we would understand who was on what side, what they were attempting to influence and whether they were trying to influence the corporation in some way. I think shareholders should know about that.

I believe that the SEC could forthrightly understand that the size of the company, the size of the mailing and those things that happen would be appropriately determined. Obviously, if you are going to go on TV, that threshold might be less. If you are going to go in the mail, perhaps a different threshold. But what I am suggesting to you is it is not us setting the standard; it is the Securities and Exchange Commission that wants to regulate, in a fair and proper way, the marketplace.

The Acting CHAIRMAN. The time of the gentleman from Texas (Mr. SESSIONS) has expired.

(On request of Mr. FRANK of Massachusetts, and by unanimous consent, Mr. SESSIONS was allowed to proceed for 1 additional minute.)

Mr. SESSIONS. I do thank the gentleman in fairness for giving me the additional minute that they were given.

So I would ask this body to understand today that we might well be

passing this bill, but that this amendment process is to bring forward ideas that bring clarity and understanding of transparency. I believe shareholders would also be entitled to know who is attempting to influence them and what those words might be that they choose, rather than just beating up a company. I don't think it is good for anybody in this country to receive a message that might be aimed at someone without full disclosure, without the proper notification about who they were and what their intentions were. This is about transparency. This is about sunlight. This is about doing the right thing that would enhance the bill that is before us today.

Mr. Chairman, I appreciate the opportunity for Mr. FRANK to be able to not only forthrightly offer me the time in fairness, I would also like to thank the Rules Committee, of which I have been a member now for 9 years. I understand what we are doing here, and I will say that I appreciate the way this bill has been handled.

Mr. WATT. Mr. Chairman, I move to strike the last word.

I rise in opposition to the gentleman's amendment.

The gentleman has indicated that this is about transparency. I really don't think it is about transparency. The underlying bill is about transparency and giving shareholders the information they need to at least express themselves about salary increases and golden parachutes, both of which I think all of my colleagues have acknowledged are problems that need to be addressed.

What this amendment is about is more about two things. One is the ability to express ourselves to each other as shareholders without impediments. That at some level is a free speech issue. The second thing this amendment is about is balance. What the gentleman would say to shareholders is, if you communicate with other shareholders about executive compensation or a golden parachute, then your vote gets disqualified. But if the corporate executive communicates with other shareholders about this issue, they can do it in an unimpeded way and without any consequence.

So if the gentleman were interested in making this a balanced amendment, what he would do is to add a provision that said, if the executives communicated with the shareholders about the vote, then they would be disqualified from getting any salary increase if they didn't disclose if they had spent anything other than a de minimis amount of money communicating with the shareholders. That would give it some balance. But right now, it is, as the gentleman from California has pointed out, a completely unbalanced equation. And it is not unlike what is already existing in this executive compensation arena because the scales are

totally unbalanced against shareholders, and the underlying bill attempts to at least in some measure restore a sense of balance and give shareholders more rights. It doesn't do it in an intrusive way. In fact, there are a number of proposals, including one on the Senate side, that would be a lot more intrusive than this bill.

I think this is the least intrusive way to do it, and I support the underlying bill and oppose the gentleman's amendment to the bill.

□ 1900

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. GARRETT of New Jersey:

Page 4, line 13, strike "Any proxy" and insert "Subject to paragraph (3), any proxy".

Page 5, line 6, strike "In any proxy" and insert "Subject to paragraph (3), in any proxy".

Page 6, line 13, strike the close quotation marks and following period and after such line insert the following:2

"(3) CONDITIONS TRIGGERING VOTE.—The shareholder vote requirements of this subsection shall only apply if the executive compensation (as disclosed pursuant to the Commission's compensation disclosure rules) exceeds by 10 percent or more the average compensation for comparable positions—

"(A) in companies within the issuer's industry; and

"(B) among companies with comparable total market capitalization,

as determined in accordance with regulations issued by the Commission."

Mr. GARRETT of New Jersey. Mr. Chairman, I rise to offer this straightforward and commonsense amendment today to provide shareholders and companies better guidance on what constitutes an excessive executive compensation package that this interventionist, otherwise, legislation before us does.

But before I do that, I commend the distinguished chair of the committee for his hard work on this legislation, but I would like to point out an inconsistency in his approach to this legislation.

We now have before us new SEC guidelines on executive compensation transparency. These new rules, unfortunately, have not even been given a chance, not an opportunity to bear any

results or any fruit whatsoever. So without giving time to see if these new SEC rules will work, the chairman and this House are rushing ahead to consider legislation to address the issue.

But on the other hand, Mr. Chairman, in regards to Sarbanes-Oxley reform, the SEC is also considering new guidelines to address numerous concerns, and in that case, the chairman believes that Members need to be patient and let the SEC do its job. In fact, we have not even had a single hearing on that topic. We are told we need to wait and see if the new regulations will fix the current problems in the corporate sector.

But after listening to numerous arguments by the chairman about inconsistency, and even tonight as well, I thought it important to point this out, that we should be consistent on these two matters and to give both avenues an appropriate time to work things through. But if we are not going to do that, that is why I propose this amendment.

This commonsense amendment I have offered today attempts to keep us focused on the perceived problems of excessive compensation. This amendment would establish a trigger that would have to be met before shareholders vote on executive compensation packages. The trigger would require that executive compensation exceed by 10 percent or more the average compensation for comparable industries in that particular sector and would require that the executive compensation question exceed by 10 percent or more the average compensation for comparable positions among companies with comparable total market capitalization. In essence, the SEC is being tasked with deciding which companies fit into these two categories for the purposes of determining these two percentages.

So, it is simple. Essentially my amendment seeks to limit the required votes to instances where the disclosed excessive compensation in question grossly exceeds the norm and provides a quantitative guideline for what constitutes the norm and what constitutes gross excess. If the underlying bill were to pass as it is currently drafted, we will be forcing literally thousands of public companies across this country to conduct shareholder votes on every single pay package for every single CEO of every single public company all the time.

Now, while the courts have said before "we know it when we see it" can be a useful test in certain circumstances, if we have the ability to provide better guidelines to American businesses and consumers, then we should do so in this legislation.

We all know of the large compensation packages that have been given over the last several years. The media has ensured that those that receive extraordinary pensions make it to the media, but you know, for every one of those huge packages, there are lit-

erally hundreds, maybe thousands, of other compensation packages that are far more standard. They are within the norm, and we really should not be requiring a vote on each and every one of those that are falling into that category and failing to give the shareholders in those cases the proper information.

So, by adopting this amendment, we will allow thousands of hardworking public companies to continue their day-to-day work without interruption, and we will be better able to focus on the new executive compensation packages that are outside of the comparative norm and may not be in the best interests of the shareholders.

Mr. WATT. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from North Carolina.

Mr. WATT. Mr. Chairman, I am just trying to be clear, under your amendment, who would make this determination of whether it is outside the norm? Where would the information come from? Has anybody done a cost analysis of what it would cost to obtain this information?

Mr. GARRETT of New Jersey. Reclaiming my time, the SEC, as I said, will be tasked with deciding which companies fit into these categories for the purposes of determining these percentages.

Mr. WATT. Is that spelled out in your amendment?

Mr. GARRETT of New Jersey. Yes.

Mr. WATT. Okay.

Mr. SCOTT of Georgia. Mr. Chairman, I move to strike the last word.

I rise to oppose the amendment from my good friend from New Jersey. I certainly can appreciate and value his thought and his effort. He presented this amendment in committee. It was voted down at that time. The chairman has seen fit for us to explore it here.

I think it is very, very important to, first of all, take a very good look at this amendment because I think the American people have certainly tuned into this debate, and on the surface of it, it sounds very nice and good. You recognize that there is a problem; you are just saying that it ought to be, let us just deal with that that is above 10 percent.

But let us look at the wording of this amendment for a moment just to show the difficulty of it. It would allow shareholder votes on executive compensation packages but only if executive compensation at the company exceeds 10 percent or more the average compensation at companies within the same industry and among companies with comparable total market capitalization. A very complicated procedure at best.

One of the first and most fundamental reasons why we oppose this amendment is because it is cleverly designed to do one thing and one thing only, and that is basically to gut this bill because it is totally unenforceable.

The gentleman from North Carolina raises a very important point that I

raise. You know, how can you determine this? Who determines this? And when you say, the Securities and Exchange Commission, they are not in power to do this. What sanction do you have? And is it "and" or is it "or" market capitalization of 10 percent?

Let me get my point out a little further. As you go in and you talk about the Securities and Exchange Commission and their rules and what they are doing, it is clear to understand that there is nothing within what the SEC is proposing that ensures the bottom line of what we are after, and that is investor confidence in the transparency and accountability.

This is a very different time within the history of American enterprise. We have ballooned into a stratosphere of CEO compensation. That is also compounded by a new culture within corporate America. You no longer have the sole cases of the man coming up, working his way up through the company, works his way up and spends 20, 30 years with the company, 25, 40 years with the company and becomes CEO. No, what you have now is a series of hired guns who move from company to company, with a battery of lawyers, with packages and sort of like free agents here at this corporation, one at another, one the next, different industries.

So what we have here is a response to that situation that has resulted in these very personalized compensation packages that are made among two or three interested parties and a board of directors member perhaps of a compensation team and this individual without any input from the legitimate owners of the company that invest in it.

Now, let me make one other point very clear of what we are doing. All the companies, we should not single out any companies say if it is 10 percent of this or that, even if you could define the rather complicated formula that you have. What we are saying is every stockholder, every company with shareholders publicly traded, should have that opportunity to weigh in and have a say on the compensation packages.

I might add that, in the point that was spoken before, when you said, well, these companies will fold up and they will come off and not be public anymore and be private, that in and of itself points out the need for this bill. For if a company, based upon just wanting to keep secret or keep within the domain what one CEO, one employee, that desire would force them to go private, that lets you know right there if that happens, but as the information is flowed to us, every company that has had a say-so on this, you name it, I mentioned AFLAC, the Coca-Cola company and Home Depot, which just had a little hit here, but even they are moving.

Mr. ROSKAM. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, the amendment before us, in fact, is intended to strengthen the bill and not, as the gentleman says, to gut the bill.

How does it strengthen the bill? It does so by addressing the exact problem that the gentleman just set forth as what they were intending to do with the legislation in the first place.

The gentleman, and also in committee, went on and all the testimony was about excessive compensation packages and how this is an egregious situation for this country and for the investors. I do not think we had one person who came before the committee, nor has anyone from the other side of the aisle made an example of saying that we should be doing something about fair compensation packages or compensation packages that only went up a small percentage.

All the testimony, all the argument before, all the argument we have heard tonight is about excessive compensation packages, and that is what my amendment does. It says, look to, how do we focus this thing on really where the problem is, excessive compensation packages, and we do that by specifically delineating it, by saying that it is 10 percent or more of the above averages for the industry's norm.

Secondly, the gentleman from the other side points out that the investor does not have any input. Of course, he does, and when the case is involving an excessive compensation package, then he will have the input to make his voice heard.

Thirdly and finally, I think we see the difference of approach as to where the burden in these situations should apply. Should it apply to honest, law-abiding, good, hardworking citizens and businesses in this country, or should the burden be placed on government? My amendment would say that the burden is put on the SEC to make the determination to make those findings, and yes, it will be some burden to do so, but it is on the SEC to make those findings. We should not be placing these excessive burdens on the business sector. If they are doing what their stockholders want them to do, growing and expanding their businesses, hiring CEOs that are making salaries that are fair for them and are within the norm, we should not be placing an additional burden on them.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the last word.

I thank my dear colleague, Mr. GARRETT, on the other side of the aisle for your strong support for the TRIA bill and for coming to New York for that very important hearing. It is a challenge that both of our States face, and I congratulate your leadership on that very important measure.

But, regrettably, I rise in opposition. I do not see this amendment as straightforward and helping the process. It appears to just complicate it. It sets triggers and hoops that you have

to jump through before we can get to a vote.

The underlying purpose of this bill is to allow shareholders to have a vote on a link between pay and performance. If a CEO is doing an absolutely fabulous job and coming up with new ideas and creating new industries and employing thousands and thousands of Americans, as a shareholder, I would probably vote a big pay increase.

□ 1915

But if that CEO was like New Century, where the CEO recently, I think was in the paper today, this gentleman walked away with a multimillion-dollar bonus and \$13 million of profit in stock options while his company went bankrupt, and thousands of their borrowers are facing the loss of their homes. As a shareholder, I would be voting, very strongly, "no" on that pay package.

To me, the underlying thrust of this is to allow the voice of shareholders in the democracy of their companies and our country and to tie pay to performance. As a shareholder, I would vote for a large pay increase to someone who is doing a good job. But too often we hear about people who are doing a terrible job, bankrupting pensions, running their companies into the ground. With their cronies on the board, and their close friends walking away with these huge packages, it's really not good for the country, it's not good for capitalism, it's not good for business.

This proposal also would increase the cost and length of the time for both the firms and the SEC. The SEC is overburdened now, but this puts more burdens on them to collect the data and calculate the 10 percent that is required before they come forward and make the decision.

I join my colleagues. This was roundly defeated in the committee earlier, and I believe it should be defeated on the floor.

I would like to speak just a little bit about what I am so deeply concerned about, and why I think this is such an important bill. Like many of my colleagues, I am very concerned about the rising economic inequality in this country. Under the Bush administration, it has just gone like that. I don't think it's good for the country or for our future.

Despite 5 years of economic expansion, most American families have struggled just to hold their economic ground on President Bush's watch. Strong productivity growth has not translated into higher wages for most American workers. Those who were already well-to-do are those who continue to grow.

As this chart shows, and I think it's an important one, the red bar shows only modest gains concentrated in the upper half of the distribution from 2000 to 2006. The divergence between the haves and the have-nots and the Bush economy stands in marked contrast to the second term of the Clinton administration. The blue bars, where real

wages and gains were strong up and down the economic ladder for all people, the economy grew, not just for the top, but for all of our citizens.

The people experiencing the largest wage gains are executives and highly compensated individuals. While ordinary workers are not really sharing in this economic growth, their paychecks have not really grown after inflation.

I want to show the CEO chart, because it goes really to part of this bill. Now, this chart shows the compensation, as the bar on the left shows, in the 1980s, the average CEO made about 50 times as much as the average worker. As the bar on the right shows in 2004, that ratio was seven times greater. The average CEO made about 350 times the pay of the average worker.

According to recent studies, that figure has only gone up. The average CEO made 500 times the pay of the average worker in 2006. I say that it's time for shareholders to have a say and that this underlying bill is long overdue.

I congratulate Chairman FRANK for his effort here. It's measured, it's reasonable, and it will enhance shareholder democracy and rein in the excesses of executive compensation.

I would just like to conclude, the main reason I am opposed to your amendment, Mr. GARRETT, although I have a great deal of respect for your work and we have agreed in many ways, is, it does not link the pay to performance. That is what we want to get to the shareholders. That is what is good for economic growth for our country.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CAMPBELL of California:

Page 4, line 13, strike "Any proxy" and insert "Subject to paragraph (3), any proxy".

Page 5, line 6, strike "In any proxy" and insert "Subject to paragraph (3), in any proxy".

Page 6, line 13, strike the close quotation marks and following period and after such line insert the following:

"(3) MAJORITY-ELECTED BOARD EXEMPTION.—The shareholder vote requirements of this subsection shall not apply with respect to any issuer that requires the members of its board of directors to be elected by a majority of the votes cast in a shareholder election of such board."

Mr. CAMPBELL of California. Mr. Chairman, as has been mentioned in the debate tonight, we had a substantive hearing on this subject, and there were six witnesses at that hearing. The witnesses were split as to the substance of the bill that is before us. Four of them liked the bill, supported it, and two of them opposed the bill. However, there was one thing on which there was unanimity with the witnesses. All six witnesses agree that a better solution, a better proposal, would be to allow to have shareholders, or to require companies to require a majority vote before seating a shareholder on the board.

All six witnesses preferred that to this very prescriptive executive compensation proposal. Because, as we discussed earlier, that would actually give shareholders more rights, through the board, to express their displeasure with a company for excessive executive compensation or simply executive operations that they don't like: for a poor performance, for a bad union contract, for whatever they wanted to express their displeasure more effectively by voting against people who were proposed to be on the board. Because if a majority vote is required to put anyone on the board, it's going to take a lot more votes to get people on there than would have happened under the current system.

What this amendment does is, this amendment says that a company will not be required to have an advisory vote on executive compensation if they, instead, require a majority vote, a majority of those voting, to seat a director on the board. That is simply all this would do.

Now, therefore, companies, if they didn't really like the executive compensation proposal, they could go for a majority vote instead, if they felt that was better for them. And as I stated before, I and people all over the spectrum believe that is a better solution.

Interestingly enough, the Business Roundtable believes that is a better solution, and I have a letter here from the Teamsters Union from March 13, 2007, bragging about how FedEx recently adopted a majority vote by law and how important this was for the management of that company. So it is clear that on all sides of this the people believe that majority votes to seat someone on the board of directors is a more effective way to deal with this issue.

Now, let me anticipate some things that my friend, I will get your State right this time, from Massachusetts will say. I have heard the argument that this proposal is too intrusive, that it is more intrusive than the basic bill that is before us. I would argue that it is not, because it actually gives the corporations a choice. They can either accept the vote on executive compensation that is before them, or if they wish to go the route of majority voting for directors, they can do that instead.

I have also heard the gentleman argue that my proposal here is not in-

trusive enough because it does not require a majority vote of directors for all corporations at all times.

I will tell you that if the author of this bill, the chairman of the committee, wished to amend this bill or pull this bill back, or whatever would be the correct parliamentary procedure, to replace this with a requirement for a majority vote of directors, I would support him on that.

However, with the bill that is before us, this is the only germane solution that can be offered to give shareholders the opportunity to have a majority vote for directors, which will really give them more voice, instead of this silly advisory vote thing, which is so narrowly focused on just one thing that shareholders may have a problem with, rather than the greater issues of governance of corporations.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

The gentleman from California mischaracterized my argument. I didn't say that it wasn't intrusive enough because it wasn't mandatory. I was responding to his earlier assertion which might have led people to think it was mandatory. I was simply correcting the characterization.

I would say this. If the gentleman wants to introduce a bill, and he complains a little bit, well, that he was only able to offer this amendment because only in this form is it germane to this bill; I know the gentleman is a relatively new Member, maybe he didn't understand that Members have the right to file any legislation they want.

Had the gentleman genuinely wanted to deal with this and broaden the right of shareholders with regard to elections of the boards of directors, that if I were here, I would have filed such a bill, I will tell him now, I will yield only if I can get unanimous consent to extend my time.

If Members tell me that, I will be glad to yield. No problem. I will be glad to yield in a minute just to say this: If the gentleman now decides, having considered this, that he wants to file such a bill, I will guarantee him a hearing. I will say this: We will find more opposition to it if we were to mandate that. That is one of the factors I will introduce.

I would say, until we had filed this bill, I had not seen any indication from the gentleman this is what he wants to do. If he wants to file a bill to give shareholders the right to vote by a majority for directors, and I think there has to be further change, then I would be happy to guarantee a hearing.

I will yield to him.

Mr. CAMPBELL of California. Thank you. I will assure the gentleman that I will do that.

Mr. Chairman, I would like to suggest that the gentleman withdraw the bill that is before us. If you believe that it is a better solution, I believe you do, then let's withdraw the bill.

Mr. FRANK of Massachusetts. I am taking back my time.



I will explain why to the gentleman, because I think it's going to be hard enough to get even this through. We have had people who said this is way too much. I do not think the gentleman speaks for his party in being supportive of something that will be far more opposed by a broader segment. If, in fact, that would happen, I would be supportive, but I do not want to have the chance to sacrifice this.

I will say one other point. The argument is, why do you single this out? I believe there have been problems with boards of directors in general, although I will repeat again that the Chamber of Commerce, as was noted, thanks Sarbanes-Oxley for significantly improving the quality of boards of directors. I think our former chairman should be pleased to have this ringing endorsement of his handiwork from the Chamber of Commerce.

But there is still this problem, boards of directors are at their least independent in dealing with the CEO who may have selected them. I do think there is reason to single out the CEO-board relationship from other issues.

The other question I have is this and why I wouldn't vote for this amendment in any case, it says a majority vote, but here is the problem. In many corporations, there is no way to nominate someone to be on the board, other than by the board. There are many corporations that do not allow that.

If the gentleman wants to come in with a bill that says shareholders, a certain minimum number, not any one person, but if we could agree that a reasonable number of shareholders could designate alternative candidates, then we could do this. An election in which you require a majority to be elected is part of the democracy, but an alternative is also part of the democracy.

The gentleman has half of the democracy in here. He has a requirement of the majority vote, but no requirement that there be any competition. As we all know, the fact of competition could affect the final vote.

If the gentleman's newly found interest in this sustains itself, and he says it will, and he wants to file a bill that requires that there be access, proxy access to our nomination process and then a majority vote, he will have my support. Until then, though, I see no reason, in the hopes of that, to get rid of this bill.

I do want to respond to an earlier comment by the gentleman from New Jersey who said we could only do it for excessive compensation. He fundamentally misunderstands this bill and contradicts itself.

It is not the job of the Congress to say what it is or isn't excessive. We have individual opinions about excess. We are leaving it to the shareholders.

The gentleman said they should only have to vote if it is more than such and such above the average. What about if you are getting average pay for a sub-par performance? What if the share-

holders of a particular corporation say, this man doesn't deserve the average, this woman hasn't lived up to the average?

The notion that we should qualify the abilities of shareholders to vote on what to pay the owners of their own company, based on what we think is excessive, an empirical definition put in the bill, fundamentally misunderstands what we are trying to do, which is to empower the shareholders to express their opinion.

Members keep saying it is simply only advisory. I do not think, Mr. Chairman, that anyone believes that. I do not think that anyone thinks that an advisory vote of shareholders would be easily dismissed by boards of directors.

One final point, the suggestion if we do this, the boards of directors and CEOs in pique will take their companies private, when presumably they otherwise wouldn't, because that is the only way it could be causal, what a condemnation of CEOs. How dare you vote on my pay? I will take my company private.

By the way, in fact, you can't take the company private over the shareholders' objections.

□ 1930

The Acting CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. I just want to repeat the point I made. This threat that we will take the company public, the CEO will take the company public, understand what that says: That if the CEO's pay is subject to a shareholder vote, in retaliation, he will make a fundamental change in the ownership structure. And, by the way, that assumes that the shareholders don't have anything to say about it. No, I do not think that shareholders will sit and vote for a takeover of the company just to allow the CEO to shelter his or her pay; so this threat, I think, is an empty one.

Mr. MCHENRY. Mr. Chairman, I move to strike the last word.

Mr. CAMPBELL of California. Mr. Chairman, will the gentleman yield?

Mr. MCHENRY. I yield to the gentleman from California.

Mr. CAMPBELL of California. I thank the gentleman from North Carolina.

Just to respond to the gentleman from Massachusetts' comments, I will introduce such a bill, as we have discussed, and I am happy to work with the chairman on that.

But what is before us right now is this amendment and this bill, which I wish you would withdraw so we could work on the other; but, apparently, you are not going to do that.

And since you are not, what we have before us is this bill right now and this amendment right now. You said it is

only half democracy. Well, what we have before us is zero democracy. This amendment is at least half democracy. Maybe it is not full democracy, as you say, but it is better than none. That is what this amendment is.

I would caution Members on the other side, if you oppose this amendment, you are opposing majority voting for the opportunity to have in this bill a large incentive for companies to put majority voting for directors. If you vote "no" on this, you will be voting "no" on that opportunity in this bill. Let's understand that is where we are. In the future, I will be happy to work with the chairman on other things.

Mr. MCHENRY. In order to move this along because the reason I am allowing the gentleman from California to speak on my time is so I can have an opportunity to offer my amendment, and we are pushing up against a time limit.

Mr. FRANK of Massachusetts. Mr. Chairman, would the gentleman yield me 1 minute? I will talk fast.

Mr. MCHENRY. The gentleman certainly talks fast, and I will yield him 30 seconds.

Mr. FRANK of Massachusetts. I just wanted to say that this does not in any way enhance democracy. The notion that if you vote against this bill, you vote against democracy, makes no sense.

The gentleman says it is an incentive to make the corporations do this. Apparently he believes that, assuming a nonbinding, ineffective, toothless advisory vote will provide a major incentive to corporations to make a major structural change; I don't.

Mr. MCHENRY. Mr. Chairman, reclaiming my time, I yield to Mr. CAMPBELL.

Mr. CAMPBELL of California. The gentleman from Massachusetts may have heard others say it is toothless and ineffective. I didn't say it was toothless and ineffective. In fact, I think it creates problems when companies have to hire somebody quickly and that sort of thing. I didn't say it was toothless and ineffective. I said it was silly. I did say it was silly because it only targets one element of shareholder displeasure with a company, which is an element, and although it can be very irritating, amongst many, many elements that are out there, is the least likely to actually destroy shareholder value, and that is what shareholders are interested in, is shareholder value.

So I didn't say it was toothless and ineffective. I said that I think it is the wrong solution to the problem that is before us.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chairman announced that the yeas appeared to have it.

Mr. CAMPBELL of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. MCHENRY

Mr. MCHENRY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MCHENRY:

Page 3, line 18, strike the close quotation marks and following period and after such line insert the following new paragraph:

“(3) DISCLOSURE OF VOTE TO PENSION FUND BENEFICIARIES.—A shareholder who is casting the vote permitted under this subsection on behalf of the beneficiaries of a pension fund shall be required to disclose to such beneficiaries whether such vote was cast to approve or disapprove the compensation.”.

Mr. MCHENRY. Mr. Chairman, I thank the gentleman for the opportunity to offer this amendment under this semi-open rule.

My amendment is simple and straightforward; and I know that is always a misnomer in this place. But it is simple and straightforward. It holds pension funds accountable to their member shareholders for their proxy votes.

Really, the intent I believe the bill's sponsors had is for transparency, so shareholders can actually have their voices heard, and they are transparent in their corporate voting structure.

This amendment requires a shareholder who is casting a nonbinding advisory vote to disclose to their beneficiaries whether such vote was cast to approve or disapprove the compensation.

As we well know, pension funds hold stocks for others. I think it is important that the managers of those pension funds disclose to the actual owners of those retirement funds, those pension funds, how their managers cast their votes. And if the purpose of the Shareholder Vote on Executive Compensation Act is to attain a greater level of accountability to shareholders, then my amendment simply must be adopted in order to fulfill that.

Union leadership or pension fund leadership should have to inform their shareholders how they cast votes on their behalf. I think that is a matter of openness and transparency.

As Members of Congress, this issue should hit close to home. Do you believe your constituents back home, the people you represent, should know how you vote? Well, that is exactly what we are offering here today, what I am offering in this amendment. It is a very commonsense thing about disclosure to those that it actually affects. Voting against my amendment sends a clear message to your constituents that you value secrecy over transparency.

Why should only the mutual fund industry have to inform their shareholders how they cast their votes? So what we are doing is applying what is already done for mutual funds. Mutual

funds are required to disclose to the owners of that mutual fund how the leadership, the management, casts proxy votes; and in this instance, it would be operational. They would have to disclose to their owners how they cast a vote.

Well, let's apply that to the pension fund. Let's apply that to union pension funds, let's apply that to State-managed pension funds. I think it is a reasonable thing.

What I find disturbing, though, is in some ways you are allowing activist shareholders to participate in this vote without actually having to disclose to those that own the pension funds, to those who actually own the stocks in this case, how they vote. I think it is a matter of disclosure, and it is what is necessary and fair.

Political groups like big labor and huge pension funds will have the power to ransom business leaders with their votes. But what we are trying to do is hold them accountable for their actions and activities, and ensure that those people who own those stocks and have a financial interest in the pension fund have an idea of what their management is doing.

Look, if we don't do this, it will create a situation where critical business decisions are being made by those least prepared to make them. In the name of fairness, transparency and accountability, I urge my colleagues to adopt this amendment.

Now I don't want to misstate what the chairman said when I offered this during committee and what some of my colleagues on the other side of the aisle said, but in many respects, they like the intent of this, and I know that the chairman is trying to keep this, his original bill, free and clear of any amendments. I understand that. I certainly understand that. But I think this is a proper addition to ensure that shareholders truly understand what those who are controlling their votes actually are doing. I think it is a necessary and proper thing to do.

I urge my colleagues to support this amendment.

Mr. WATT. Mr. Chairman, I move to strike the last word, and I yield to the chairman of the committee.

Mr. FRANK of Massachusetts. I think the gentleman from North Carolina did correctly state my view, but my position was not simply to keep this bill clean, we did accept a couple of technical amendments. I would point out to him, in committee, the gentleman from Connecticut (Mr. SHAYS) had a substantive amendment, which we accepted, dealing with rights.

My view is this: I agree on the principle that a fiduciary's vote should have to be made public, but I wouldn't want to limit it only to pension funds. I also don't think it should be limited only to this subject matter, although I agree, given germaneness, the gentleman couldn't have broadened it beyond that subject in this bill. But it could be broadened beyond pension funds.

I believe we should have a hearing on the principle where the gentleman is correct, and I agree with him, that fiduciaries should have to be made public, but that is all fiduciaries on all issues.

Mr. WATT. Reclaiming my time, that was exactly the point I was going to make.

So a broader amendment, were it germane to this bill, would probably be received favorably by all of us because we believe that fiduciaries in general should be reporting to the people that they are representing. But when you limit it only to pension plans, you eliminate foundations, you eliminate family trusts, and you eliminate a whole range of other fiduciaries that should have the same obligation. And singling out pension plans in this context I think is the wrong thing to do.

I am happy to yield to the gentleman from North Carolina.

Mr. MCHENRY. Mr. Chairman, while I appreciate my colleague speaking to that, I would ask if you would be willing to write a letter to the SEC with me encouraging them, through the regulatory process, to do what you just outlined. I certainly appreciate what you are doing. I would like to have a vote on this because I think we should get on record saying this is the right move. But I would like to work with you all on this.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WATT. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I appreciate that spirit of cooperation, but it is getting late, and Friday is coming, so I would offer either a letter or roll call, but not both.

Mr. WATT. Reclaiming my time, I am not sure that the SEC would have the authority to go outside without some legislation anyway. So a letter to the SEC saying, do this, would take two conditions: Number one, it would take the passage of this bill, and I presume the gentleman is not planning to vote for it. So you would be asking us to accomplish something for you without a quid pro quo.

Number two, it would take some legislation.

I yield to the gentleman from North Carolina.

Mr. MCHENRY. I would be happy to vote for the legislation if my amendment passes because I think that furthers it, and if I have a commitment from the chairman to maintain it through conference.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WATT. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I have just been advised by staff, who is very knowledgeable on this, that part of the problem is, and I understand the gentleman has, as I think is appropriate, substantively the model of what was done with mutual funds, but I have been reminded that the SEC has a plenary power over mutual funds that it

does not have over foundations. I have now been instructed that the SEC could not do that. You cannot reason that what they can do over mutual funds to what they can do over these other fiduciaries, so I think it would take separate legislation.

Mr. WATT. I am delighted that my chairman has reaffirmed that because my colleague from North Carolina would never take that piece of advice from me. I'm joking.

I oppose the gentleman's amendment because it is not broad enough to cover all fiduciaries. We ought to work on it in a different context, and I hope we will have that opportunity.

Mr. ROSKAM. Mr. Chairman, I move to strike the last word.

I rise to point out that there is some dizzying logic going on. Basically, we are being told, here is a piece of legislation, and if you are clever enough to come up with a germane amendment, we will sort of humor you and listen to you. But if there is a larger suggestion, then it is very difficult to move forward.

I would just suggest to the chairman of the committee that the perfect is the enemy of the good. It strikes me that the gentleman from Massachusetts is an incrementalist. Those who survive most in this arena are incrementalists, and he has survived for a long, long time, Mr. Chairman, and flourished and been very successful as a legislator.

But it just seems that this is a good faith effort on the part of the gentleman from North Carolina to put forward something substantively. Is it the totality of making every problem go away? No. There is no way to do that.

□ 1945

And it is a little bit of a procedural Catch-22 that he is in.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

I am disappointed in the characterization. In the first place, it is not accurate that germaneness prevented this from being a broader amendment. As I acknowledged, germaneness does prevent this from getting into other subject matters. But nothing would have prevented this from applying to the other entities that my colleague from North Carolina enumerated. Nothing would have said that other fiduciaries could have been covered. And that is why I am against this amendment.

Frankly, we have a difference between the parties here to a very great extent on labor unions and the contribution they make to the United States.

Mr. MCHENRY. Will the gentleman yield?

Mr. FRANK of Massachusetts. Yes.

Mr. MCHENRY. Well, if the gentleman seeks to perfect my amendment, that is a whole another deal. Through unanimous consent we could expand this to not just pension funds but all issues.

Mr. FRANK of Massachusetts. No, I will take back my time to say to the gentleman, I will not legislate on serious subject matter involving large numbers of institutions on a unanimous consent agreement to an amendment that he filed when he could have filed whatever he wanted at a quarter to 8 or at any other time. I think there should be hearings. I have said we will do this.

You know, the gentleman on the other side may, with the motions to recommit, believe in the 5-minute solution to complex problems. I don't. I think it degrades the legislative process. I will not be a party to it. I will not agree.

The gentleman could have filed any amendment he wanted to that was germane. He could have filed a broader amendment. We could have had more debate and discussion on it.

I do not agree I or he or any of us off the top of our heads are able to decide how better to broaden this. And there is a disagreement between us about labor unions. Let's make it explicit. That is partly what is involved here.

There has been a degree, I believe, of denigration and demonization of labor unions, that is part of the reason I think we have the economic inequality we have. For pension funds I read labor unions because they are identified with unions.

The gentleman from North Carolina, who is a very good lawyer, mentioned a number of other entities that should be covered if you were going to be covering fiduciaries. I do not think it is accidental that only pension funds are mentioned. I think that bespeaks this notion that labor unions are somehow in need of more supervision, that they are more damaging and dangerous. I think the opposite is the case. I think there have been abuses from foundations. There have been some abuses from unions. So that is why I object to doing this, because I do not think it is the first step. I think it is part of a denigration of the role of labor unions from which this country suffers. Indeed, I will just say I am struck as we debate now whether or not to put standards from the international labor organizations into our trade treaties. We are now being told by opponents that we can't do that because America doesn't meet those standards; that because of the years of denigration of the labor unions, we don't meet those standards. So I do not agree to single out pension funds because I do not agree that we should join in this somehow, this suspicion of unions. And I don't agree that in a unanimous consent agreement off the top of our heads we ought to decide how more broadly to do it. I would rather legislate responsibly.

The committee that we are all members of, those of us who are now on the floor, has been, I think, a very thoughtful forum, not just under my chairmanship, under the chairmanship of my predecessor. We have hearings.

We have an excellent staff on both sides. We have worked together.

I look forward to hearings on extending the principle of fiduciaries having to reveal how they have voted on all issues and to all fiduciaries. But I do not think we should single out pension funds tonight, nor do I think we should on the fly try to broaden it, so I oppose the amendment.

And I will yield now to the gentleman.

Mr. MCHENRY. Well, I appreciate the chairman yielding, and I don't want to belabor this point. So the gentleman is saying he is willing to work for legislation that makes sure that all fiduciaries disclose—

Mr. FRANK of Massachusetts. All votes.

Mr. MCHENRY. All votes. And so the gentleman will be happy to work on legislation together on this.

Mr. FRANK of Massachusetts. Well, it is late and I am sometimes cranky. I can't say that I would be happy to work with the gentleman, but I would be willing to.

Mr. MCHENRY. Well, I certainly appreciate the Chairman's willingness, and although not pleased or happy about it but, you know, his willingness to work with me.

And just in a final note, I was trying to actually get both of you, both my colleague from North Carolina and the gentleman from Massachusetts, in favor of this amendment and I actually accepted your arguments on broadening this. Once I accepted them, then you said it was on the fly. So it is circular logic that is very interesting.

Mr. FRANK of Massachusetts. I will take back my time to say that you cannot, the gentleman could have offered a broader agreement. I do not agree. Yes, I would ask for unanimous consent to make a slight technical change in an amendment to fix wording. But to go into a much broader version of the subject, under these circumstances, without a hearing, without full participation in a mark up would be inappropriate, and that is what I mean by on the fly.

Mr. HENSARLING. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of this amendment. I rise to support it because I think it would make a bad bill less bad.

As I look at the underlying bill, I am reminded of a couple of things that my colleagues on the other side of the aisle do well. One is mandate, and the other is class warfare.

Now, what we are debating here tonight on the underlying bill is a mandate, a mandate for a voluntary shareholder, non binding referendum on executive compensation.

I have listened to the debate today very carefully, and it seems to strike me that if there was ever a case of a remedy in search of a problem, this very well may be it. I have heard many of my colleagues come to the well and speak about outrageous and unreasonable executive compensation. I suspect

that unreasonable and outrageous are to be found in the eyes of the beholder. A CEO that rescues a troubled company, creates thousands of jobs, increases shareholder value by 80 percent so that folks can help send their kids to colleges, maybe help a parent with long term health care, my guess is that if that person made a gazillion dollars he was probably underpaid. A CEO who runs a company into the ground, who loses 80 percent of shareholder value, maybe he isn't worth 50 cents.

But the question ought to be, what is the state of corporate governance in America, and the shareholders, do they have say so? They have the most important decision that they can make. Mr. Chairman, they don't have to buy the shares in the first place. And we know that the SEC has just engaged in creating even greater and more disclosure. So if shareholders have the opportunity not to purchase this stock in the first place, I don't understand, and if we have disclosure where it should be, why we are trying to mandate a voluntary, non binding referendum on executive compensation. I don't quite understand. Clearly, in America, you still have a right not to buy a stock.

Now, I have heard a lot about what I would characterize as the typical class warfare that we hear from our friends on the other side of the aisle. And it reminds me, sometimes, that one of the accepted forms, really in some respects of bigotry in this society is bigotry against those who are successful. And so we come and we see charts about this disparity in pay. But, you know, Mr. Chairman, the outrage seems to be kind of selective. Where is the outrage of the hundreds of millions of dollars made by personal injury, trial attorneys and tobacco attorneys, and their legal secretaries maybe make \$30,000? Where is the outrage there? Where is the outrage at Hollywood actors and actresses making tens of millions of dollars, and the guy moving the set around, maybe he is making \$20,000?

I recently learned that Julia Roberts made \$25 million for the film *Mona Lisa*. It cost \$65 million to make, but only earned \$64 million at the U.S. box office. I don't know for a fact a public company had to pay that salary, but I suspect they did. Now, where is the moral outrage there?

And, in addition, where is the proposal for the mandatory, voluntary non binding referendum on the compensation that may be paid to one of these individuals?

I mean, what comes next? Are we going to have the mandate for the non binding shareholder referendum on the amount of R&D expenditures that a company makes? Perhaps their marketing budget, Mr. Chairman? Maybe their choice of an auditor? I mean, why do we stop here at executive compensation?

And let me speak momentarily about the mandate. My guess is that to any individual company, this mandate may not be too costly. And I was very happy

to have, in the last Congress, the chairman's support on a piece of legislation that I worked on that provided regulatory relief for our financial institutions.

And it is not one particular item. And every single mandate may sound pretty good, looking at it singularly, but collectively they are all adding costs to these companies, and you have to ask yourself, is it serving a good purpose? Because if it isn't, what is helping send jobs overseas is too much regulation, litigation and taxation and we need to support the amendment and vote down the bill.

Mr. SCOTT of Georgia. Mr. Chairman, I move to strike the requisite number of words.

This has been a very lively debate and a very good debate. And I think it points out the need for us to examine this issue within the context of a very pressing concern the American people have. We are not up here because we have sat in a room someplace and decided this is what we ought to do. There is a great demand to bring some integrity, to bring some transparency and accountability to this whole issue of executive pay compensation that has gotten out of bounds. And our answer is simply to look at the system as it is there, as it is situated, and extend to the shareholders, to the board to make available to the shareholders on their proxy statement, a block that says, do you approve or you disapprove of the compensation packages. What happens after that we have nothing to do with. That is their decision to make.

And I think we have to also look at the whole issue of what is happening in America today, this whole issue of a war on the middle class; this great divide that is happening. I am telling you, it is dangerous to the future of this country.

This is simply an effort to respond, to give some confidence, and to give another tool, an effective tool that works within the system, that is very fair, that is very moderate, as an example of trying to correct a situation that clearly, clearly has gotten out of hand.

Now, you all have offered amendments. You have offered them in the committee. Now, in all deference to our chairman, our chairman has been very fair in the committee and on this floor and on the pension issue. He has clearly stated, as he did in committee, and again on the floor, we will have a hearing on this, where it should be.

But by the very nature of this issue even exploding into the area of pensions and other fiduciaries, it shows the great need for us to examine our compensation structure in the system.

Gentlemen on the other side, we owe it to the American people. We owe it to our system to protect it. Throughout history we have had to make adjustments. Go all the way back to the fall of the stock market, 1929. There are reasons that that happened. The SEC itself was born as a result of a need to do some things. And we continue to muscle right along.

I think it is very important that we put in the RECORD also, before we conclude tonight, because we have had some of our companies names bandied around here, one of which was Home Depot. And I certainly want to recognize Home Depot for moving and taking this issue on and understanding, even to them, the surprise and the concern and the tone that they want to correct for what happened with their predecessor, the CEO, Mr. Darnelli. They are now moving very aggressively to look at this issue itself.

And let me just read, for the RECORD here, Mr. Chairman, where it says that other companies have already begun a process of allowing their shareholders to decide on implementing say on pay. This week Citigroup, no class warfare here, Wachovia. No class war here. Coca-Cola are holding annual meetings at which time their shareholders will vote on say on your pay proposals.

Every company that has had a chance to weigh in on this issue is moving ahead because they know it is the right thing to do, because they know, at the end of the day, what is needed is for us to make sure that the confidence of that investor is strong.

That is what makes this country great. Our free enterprise system, our move here is to protect it. I commend the chairman, and I thank our committee for pushing this forward.

□ 2000

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MCHENRY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

Mr. FRANK of Massachusetts. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. JOHNSON of Georgia) having assumed the chair, Mr. ETHERIDGE, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1257) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation, had come to no resolution thereon.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### CALLING FOR JUSTICE IN DARFUR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, we see from time to time, way too often from my perspective, a divisive, partisan discussion, debate, and oftentimes nearly fisticuffs on this House floor. But, Mr. Speaker, I rise tonight to speak about an issue that each of us, every one of us, can agree upon, where there is no partisan or political consideration. And that, Mr. Speaker, is what is transpiring, has transpired over the last several years in Darfur.

Mr. Speaker, we know that there have been 2 million citizens of Sudan who today no longer live in their homes or their villages, and we know that there have been 450,000 people killed in Sudan. It is something that demands our attention. It is something that we as a Congress, we as a country and we as a world must come together to bring the death and destruction, the inhumanity, the hunger, the violence to an end.

Mr. Speaker, I had the opportunity several weeks ago to join the Honorable STENY HOYER, the distinguished majority leader of the House of Representatives, in a visit to Darfur. And there, of course, we had the opportunity to meet with government officials, but we also had the opportunity to see for ourselves the conditions that human beings are living in today. And while I hope our meetings with government officials were useful, I know the view I saw, the scenes that were brought to my attention, the people I met transcend any meeting I could have with a government official to discuss what is going on but was an opportunity for me to have my life changed as a human being to see that we all have a cause to see that life prevails and justice endures.

Upon my return, Mr. Speaker, yesterday I took the opportunity to visit the Holocaust Museum. This week is the week of remembrance of the Holocaust, and while there, I saw the quote from Isaiah, Isaiah 43:10, that says: "You are my witness." Mr. Speaker, that speaks to me and should speak to all of us. We are the witness of the holocaust today. And many Members of Congress, much more so than I and for longer periods of time than I have paid attention to this issue, have been trying to rise to the occasion and bring awareness to the world. And I commend my colleagues who have been outspoken on this issue for a long time, and I join them tonight.

And today I was back to the Holocaust Museum, where President Bush spoke. And, yes, it was a remembrance of the death and destruction that the Jewish community, the people of the Jewish faith suffered, but it also brought home the importance of addressing genocide and death today. And I commend our President for his demands that the Sudanese government allow an African Union/U.N. peace-keeping force, that they reach out to the rebel leaders, that they end their support for the violent Janjaweed militia and they permit humanitarian aid to pass. And President Bush outlined some steps that we as a country are willing to take and requests that we can make to the United Nations.

Congress has designated this week as the "Days of Remembrance" in order to commemorate those victims of the Holocaust. While at that Holocaust Museum, I learned much about the reach of the Holocaust and saw images of death and dehumanization. And as I reflected upon the Jews past and considered the future of African tribes in Darfur, I have to ask a question: Are we going to wait until the proportions of death are similar to the Holocaust before we take action?

The exhibit that moved me the most, Mr. Speaker, was the list of 10,000 individuals who took action during the Holocaust. They have been identified by the Israelis as "the Righteous Among the Nations," those who risked their lives to save innocent Jews during Nazi rule.

When the conflict in Darfur has ended, everyone will feel sorrow for the unnecessary loss of life. But will our Nation be among those, will we as individuals be among those who feel shame for inaction or pride for standing up for justice in Darfur?

#### DRUM BEATS OF WAR ARE GROWING LOUDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, the drum beats of war are growing louder. There is a growing fear here and around the world that the President, either alone or by proxy, will order a military strike against Iran.

The President has escalated the military presence in Iraq at the same time he has escalated the military rhetoric concerning Iran. The President's accusations against Iran are being planted like seeds in fertile ground. Is this how the President cultivates diplomacy, or is he sowing the seeds for another war?

The House must pass legislation that would require a debate and a vote before the President orders U.S. Forces to launch a military strike against Iran. This is the people's House, and the American people have spoken. They don't trust the President, and they are worried about his saber rattling toward Iran.

I think of it this way: If Iraq is a quagmire, and it is, then Iran will be quicksand, and it is, then Iran will be deeper and deeper into a disastrous foreign policy grounded in brute force and producing brutal consequences: thousands of American soldiers dead, tens of thousands of American soldiers gravely wounded, billions of dollars borrowed and wasted, over 100,000 Iraqi civilians killed and injured, a raging civil war.

And after all that, the President and the Vice President say a military option is on the table for Iran. To prove it, U.S. warships were ordered into the Gulf 2 weeks ago. It was a show of military might around the date that the Russian military intelligence sources have widely forecast that the U.S. would strike Iran in stories posted online and in newspapers.

The current political regime in Iran is a government I do not endorse or support, but the record must show that the President's policies in Iraq created the problem the President now warns he will fix by military action, if necessary.

After the overthrow of Saddam Hussein, the President installed Paul Bremer as America's de facto premier of Iraq. Mr. Bremer answered only to the White House and not to the Iraqi people. Bremer dictated a series of policies that dismantled Iraq from the inside out. With the White House calling his every move, Bremer first dismantled the Iraqi civil society, plunging an entire nation into chaos. The Iraqi civilians who ran everything from sewage treatment plants to traffic control to keeping the lights on were summarily fired. The country's infrastructure remains crippled by Bremer's order 4 years later. Bremer also dismissed Iraq's military, and in so doing, he put tens of thousands of demoralized Iraqis on the streets with a gun and a grudge. The vast majority of these people were in the military for the pay and the job, not because they supported Saddam.

With Iraqi civil and military sectors wiped out over 4 years ago, there were no Iraqis left to guard the borders between Iraq and Syria and Iraq and Iran. The borders have been wide open ever since because the appointed proxy government didn't bother to understand the history of the region or a basic national security need to protect a nation's borders.

We know weapons and insurgents have been walking across Iraq's open borders. Almost a year ago, leaders told me in Amman, and these are Iraqi leaders, that the most constructive thing the U.S. could do would be to withdraw from the cities and redeploy to the borders and establish border guards.

Instead of doing something constructive, the President ordered a military escalation in Iraq that is destructive. The Iraqi people want us out of Iraq. The American people want us out of Iraq. But the President drives us deeper and deeper into Iraq and then threatens military action against Iran.

As a lame duck President and as slave to his own failed foreign policy, Congress must ensure that the President cannot unilaterally strike Iran in the remaining months of his failed presidency. Congress must pass legislation that preserves the checks and balances to guarantee that the President must listen to someone other than the Vice President.

□ 2015

America cannot afford to remain on a hair trigger until a new President takes the oath of office in January 2009, but that is exactly what will happen unless Congress steps up to ensure that the President stands down on a military strike against Iran. We must take away his blank check.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. SOLIS) is recognized for 5 minutes.

(Ms. SOLIS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### THE SCOURGE OF ABORTION IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Arizona (Mr. FRANKS) is recognized for 60 minutes as the designee of the minority leader.

Mr. FRANKS of Arizona. Mr. Speaker, today was a very important day. Today, the United States Supreme Court handed down a decision upholding the Federal law protecting unborn children from partial-birth abortion.

Mr. Speaker, perhaps it is important for those of us in this Chamber to first remind ourselves again of why we were really all put here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is indeed why we are all here. The phrase in the 14th amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." The bedrock foundation of this Republic is the belief that all human beings are created equal and endowed by their Creator with the inalienable rights of life, liberty and the pursuit of happiness.

Every conflict and battle our Nation has ever faced can be traced to this core foundational belief on our part that every life, from the smallest child to the elderly widow, from the strongest and bravest soldiers on our front lines, to the weakest and most frail in our society, every human soul is of infinite worth and entitled by God to pursue liberty, prosperity and happiness.

But, Mr. Speaker, for 34 years, *Roe v. Wade* has been a desecration of that bedrock foundation upon which America stands, and *Roe v. Wade* sets itself apart from all of the other egregious decisions made by our courts in that its result is 45 million dead American children.

Mr. Speaker, that is 15,000 times the number of lives that were lost to terrorism on September 11; and the land of the free and the home of the brave now stands awash in the blood of 45 million of its own children. And it will never cease to totally astound me how we, as Americans, fail to grasp the enormous and terrifying threat to our Nation's survival economically, militarily, morally and spiritually that this tragedy represents.

We have made it illegal to throw away polystyrene diapers, while it remains for the last 34 years legal to throw away babies. How can we be so blind to such a cataclysmic, soul-crushing tragedy?

G.K. Chesterton said once that "Men can always be blind to a thing as long

as it is big enough." And, Mr. Speaker, at this very moment, this cataclysmic heartbreak continues.

Arthur Cohen, who is perhaps the world's leading scholar on the European Holocaust, used a Latin term to describe abortion in America. He called it "mysterium tremendum," which means an utter mystery to the rational human mind, a mystery that carries with it not only the aspect of vastness, but the resonance of complete terror, something so unutterably diabolical as to be literally unknowable to us.

Mr. Speaker, following the invasion of Germany into Poland in 1939, a Jewish man named Yitzhak Katzenelson was trapped by the Nazis in the Warsaw ghetto. He was later transported to the Auschwitz concentration camp, where he and his son were brutally murdered.

Before his death, he buried under a tree a song that encapsulated the entire Nazi regime in one verse. He stated that, "The first to perish were the children. From these a new dawn might have arisen." What a profound lesson for the rest of the world to hearken unto. A new dawn might have arisen from those children that perished in the Holocaust.

No matter the rhetoric, Mr. Speaker, we must not ever be so blind to the fact that each time an abortion takes place, a nameless little baby dies a lonely death; a mother is never quite the same, whether she realizes it or not; and all of the gifts that that child might have brought to humanity are lost forever.

It is often said, Mr. Speaker, that a society is measured by how it treats those in the dawn of life, those in the shadows of life, and those in the twilight of life. Because unborn children are hidden both in the dawn and in the shadows of life, we kill thousands of them every day in America, using sometimes methods like partial-birth abortion that cause so much agonizing pain that the child that is being killed, if they were an animal, it would be illegal under Federal law to do it the way we do it.

If we, as a human family in America, cannot find enough humanity within ourselves to change that, if this human rights atrocity of dismembering our own children alive is truly who we are, then the "invincible ignorance" Henry Hyde spoke of in this Chamber so long ago will indeed finally prevail, the patriots' dream will be lost, and those lying out in Arlington National Cemetery will have died in vain and twilight will have fallen upon us all.

Mr. Speaker, that day may come in America indeed. But, sir, that day has not come yet. It is not this day, because today, Mr. Speaker, the world changed. Today the United States Supreme Court upheld a law protecting unborn children from the barbaric, nightmarish procedure of partial-birth abortion. And with this ruling comes a brilliant, piercing ray of hope, because even though this ruling only upholds a law that protects a small number of



late-term babies from this horrifying procedure called partial-birth abortion, it represents the day that America changed direction and turned her heart toward home.

I believe, Mr. Speaker, that this decision is part of a growing awareness on the part of all Americans of the simple truth that abortion takes the life of a child, and the United States of America is bigger than abortion on demand. We are beginning to look within ourselves and we are beginning to understand that the foundation of this Nation is within our own hearts.

Our Nation is beginning to understand that whether it is flying airplanes into buildings or blowing up buildings in Oklahoma City, or whether it is raping and pillaging in Bosnia, or whether it is violence in our streets or kidnapping little girls in broad daylight or murdering innocent unborn children, all of these have one inescapable common denominator, and that is the lack of respect for innocent human life.

Americans are beginning to understand and realize that the reason crime is so rampant in this country is because we have taught our young people that it is all right to kill helpless unborn children. Should we then wonder why they kill each other on the school playground?

Americans are beginning to understand that the same mentality that allows a father to forsake his unborn child to an abortionist also allows him to forsake his born children to the welfare state.

Americans are beginning to understand that the abortion mentality is destroying families all over this country, and that if this epidemic of family disintegration continues, that we in this family will bankrupt this Nation in trying to deal with the results.

Americans are also trying to understand that there are better ways to help young mothers than killing their children for them.

And Americans are beginning to understand that if we, as a society, do not find or possess the courage and the will to protect innocent unborn children, that, in the final analysis, we may never find the will or the courage or the commitment to protect any kind of liberty for anyone of any kind.

Mr. Speaker, the pro-life movement often compares the Roe v. Wade decision with the Dred Scott decision that upheld slavery in this Nation. I would remind each one of us that enslaving fellow human beings was once a practice that was perpetuated throughout the world for thousands of years. But when slavery came to America it finally stopped. We had a conscience on that day that changed the world.

Mr. Speaker, that part of our history should give us great hope, because even though we face challenges today, when we look back on how America has somehow come through each one of them, I believe that by the grace of God, America will one day lead all na-

tions to restore protection to unborn children throughout the world.

Hope is a powerful thing, Mr. Speaker. One of the most powerful messages of hope I ever saw in my life was captured in a picture I saw a few years ago, and I cite the commentary that accompanied it. It should be the picture of the year, or perhaps the picture of the decade. But it won't be because unless you obtained a copy through the Internet or the paper it was published in, you probably never saw it. Somehow the media missed it.

The picture is that of a 21-week unborn child by the name of Samuel Alexander Armas who is being operated on by a surgeon by the name of Dr. Joseph Bruner. The baby was diagnosed with spina bifida and would not have survived if removed from his mother's womb. But little Samuel's mother, Julie Armas, is an obstetrics nurse in Atlanta. She knew of Dr. Bruner's remarkable surgical skills. Practicing at Vanderbilt University Medical Center in Nashville, he performs these special operations while the baby is still in the womb.

During the procedure, the doctor removes the uterus via C-section and he makes a small incision to operate on the child. As Dr. Bruner completed the surgery on Samuel Armas, this amazing little baby reached out with his tiny but fully developed hand through the incision and firmly grasped the surgeon's finger. Dr. Bruner was reported as saying that when this little baby grasped his finger, that it was the most emotional moment of his life, and that for an instant during the procedure, he was completely frozen, totally immobile.

The photograph captures this amazing event with perfect clarity. The editors titled the picture "Hand of Hope." They said this tiny little hand seemed to emerge to grasp the finger of Dr. Joseph Bruner as if thanking him for the gift of life that he was receiving. Little Samuel's mother said they wept for days when they saw the picture. She said, "The photo reminds us that pregnancy isn't about a disability or an illness; it's about a little person." The operation was 100 percent successful and Samuel was born in perfect health.

Mr. Speaker, Winston Churchill said once that Americans always do the right thing after they have exhausted every other possibility. And today, for the first time since the evil disgrace of Roe v. Wade, we have restored the legal protection of a very small number of those little children who are already partially born and only moments away from taking their first breath. It beggars human imagination that such basic compassion and humanity was ever debatable in the first place.

But now, today, the tiny hand of hope reaches out a little closer to us than it ever has in the past and only asks for mercy, and I hope and pray that all of us will hear that little voice in our own hearts.

Mr. Speaker, I now yield to the gentleman from Texas (Mr. HENSARLING).

□ 2030

Mr. HENSARLING. I thank the gentleman for yielding.

Rarely do I rise with such trepidation as I do tonight in trying to follow the powerful eloquence of my dear friend and colleague from Arizona (Mr. FRANKS). I want to thank him for the passion and clarity that he brings to this body. And, again, my own voice is so meager compared to his, Mr. Speaker, but I do want to come tonight and really celebrate a great victory for life in America.

I want to thank my other colleagues with the Republican Study Committee who have come here tonight to participate in this 1-hour Special Order, Mr. Speaker. And for those who may be viewing the proceedings, Mr. Speaker, as we all know here, the Republican Study Committee is the conservative caucus in the House of Representatives, over 100 strong, promoting the values of faith and family and free enterprise and freedom that we consider to be the cornerstones of this great experiment in democracy and liberty that we call America.

And, Mr. Speaker, we always invite the American people to dialogue with us at the Republican Study Committee and our Web site at [www.house.gov/Hensarling/rsc](http://www.house.gov/Hensarling/rsc).

I really didn't know I would be coming here tonight, and so I have no prepared text whatsoever. It has been an emotional roller coaster of a week. I had a tele-town-hall meeting and got to speak to literally thousands of people from the Fifth Congressional District last evening. It started off talking about the tragedy at Virginia Tech, and I approached that discussion with my constituents not as a Member of Congress, but as a father.

I am privileged to be the father of a 5-year-old daughter and a 3-year-old son. And I can only imagine the pain that the families must be going through. And as I see all the reports on television of the promising lives that have been snuffed out in this evil, cruel act, I know that now is a time for comforting those who lost loved ones, it is a time to pray, it is a time to learn.

But as the Nation reflects on those 30-some-odd lives that are lost, maybe today is the day to reflect upon the millions of lives that are lost in America through abortion. And I am not naive; I know this is one of the most contentious issues debated in our society. But what right is more fundamental than the right to life?

I wish I knew how to talk to those who somehow didn't see life the way that we do or value life the way that we do. In my heart, in my head, I can come to no other conclusion but that life begins at conception, that life is a gift of our Creator, who endows us with this inalienable right to life. I don't understand how my countrymen come to other conclusions. I don't hate them, I don't disparage them, I don't yell at them, but I don't understand how they can come to different conclusions. It is something that I take as a

matter of faith. And if I didn't take it as a matter of faith, I don't know how any parent could ever look at that sonogram, that modern technology we have and see their tiny little baby just weeks old with their head and their arms and their fingers and their feet sometimes moving around in their mother's tummy. How can you conclude anything else but that this is human life? I don't understand that.

And so I really come here to celebrate a great victory in the Supreme Court today that affirms what was already said by an overwhelming vote in the United States Congress, that this terribly abhorrent act known as partial-birth abortion, that Congress has the right to outlaw that. And, Mr. Speaker, we could go into all the gruesome details about how this child is just seconds away from getting their first breath of life and how, instead, the instrument of death is plunged into them. I don't think we need to go into that graphic detail.

But regardless of how you feel on the pro-life debate or the pro-abortion debate, how anybody could conclude that a child that is just moments away from taking their first breath should have that life snuffed out in the land of the free is beyond me.

And so I am happy to come here with my other colleagues from the Republican Study Committee. And again, I come here with great trepidation. Anytime I go to the floor with my dear colleague from Arizona, I serve with many great individuals in this body, Mr. Speaker, but I cannot think of one who has a purer heart than the gentleman from Arizona. And so again, my own voice is quite meager to his.

But as I think about my own 5-year-old daughter, Claire, and my own 3-year-old son, Travis, and I remember getting the telephone call from my wife to let me know that they were there, that life existed in her that we created, and to think that somehow in this land of the free, where our Creator has given us this gift of life, that those precious lives could have ever, ever come to an end in this gruesome procedure known as partial-birth abortion is just so abhorrent, my mind can't even go there.

And so I celebrate tonight with millions across America. And I certainly celebrate with all the members of the conservative caucus in Congress, the Republican Study Committee, that as many setbacks as we have in America, as we read about great tragedies, today something great happened in America, and the right to life was affirmed.

Mr. FRANKS of Arizona. I thank the gentleman very much.

You know, Mr. Speaker, sometimes the reason that we elect to the chairmanship of the RSC someone like JEB HENSARLING is because we can easily see from the inside and out what people in America can see on the outside, that JEB HENSARLING is a man of great humility, with great competence and just a quiet sincerity that gives us all tremendous confidence in him.

With that, I would like to yield to Congressman SALI, one of our freshman Members and a great statesman.

Mr. SALI. Thank you, Congressman FRANKS.

First of all, I would like to start off by saying how proud I am to be a new member of the Republican Study Committee and to be a part of that group that is about the business of changing the way that Congress does its business, the way that the law will affect the people of this country. I think that we are set to do good work in that group of 100-plus people, and I am very proud to be a part of that group.

Mr. Speaker, tonight is a night of celebration. The Supreme Court has this day extended legal protection, a modicum of legal protection, to thousands of preborn babies.

Many of my colleagues have given moving speeches about this victory for the little ones, and I am so pleased to add my voice to theirs. From my esteemed former colleague, Henry Hyde, to the tireless gentleman from New Jersey, CHRIS SMITH, and countless thousands of Americans whose names will never really be known, to President George W. Bush, people of conscience and conviction have worked for years to end one of the most gruesome practices imaginable; and today, the Nation's highest court has vindicated the law this House passed repeatedly and that the President finally signed into law in 2003.

Mr. Speaker, if we, as a culture, cannot defend the right to life, all of our other rights really become meaningless. So today's Supreme Court ruling is a great victory not just for preborn children, but just as importantly, for our culture.

For 16 years in the Idaho legislature, I worked on protecting the most vulnerable among us, the unborn. That the highest court in our country would today extend this minimal protection to thousands of little ones, infants almost ready to be delivered, is very satisfying. With a great majority of Idahoans and of American people in general, I am gratified by this affirmation of our most basic right, the right to life. And yet I would temper my joy with a note of sadness.

We have outlawed a single barbaric practice, but other types of abortions, an estimated 1.3 million per year, continue with full protection of the law. The fact that these abortions are performed through less startling, cruel and brutal procedures than partial-birth methods makes them no more morally acceptable. The impact is undeniable. Forty-five million Americans are dead from abortion. That is a full one-third of a whole generation, and we are well into one-third of now another generation, all lost to abortion.

The challenge to end unrestricted access to abortion on demand will not end until every life, however small, is protected, until every person at whatever stage of life gains the protection of the law, until the Constitution of

our beloved country is respected fully and, consequently, absurd notions like the idea that abortion is a protected right are jettisoned from our Federal law.

Mr. Speaker, 9 years ago, in the Idaho legislature we passed a ban on partial-birth abortion. Because of activism in our courts, that bill was almost immediately enjoined. It didn't protect a single unborn child in the State of Idaho. I remember in my debate on that bill I questioned what could be going through the mind of a doctor who partially delivers that baby, feels that life moving in his hands and feels that little baby jerk as he takes his life.

Mr. Speaker, I question what must be going through his mind. And I say, if we cannot end this barbaric practice, God help us, God help this country. And today, Mr. Speaker, that prayer was answered, that request for God's help was answered today.

I close with this: Some of our friends across the aisle make a great effort of obfuscating the true issue of what we are dealing with by calling preborn children fetuses. That is fine with me, as long as we all understand that the term "fetus" is simply Latin for "the young yet in the womb."

Mr. Speaker, today was a great day for every fetus, for every young boy and girl still in the womb. May God be praised and may He be pleased so that His blessing is poured out upon our land.

Mr. FRANKS of Arizona. I thank the gentleman very much. And now I am very pleased to be able to recognize the gentleman, GRESHAM BARRETT from South Carolina.

Mr. BARRETT of South Carolina. I thank the gentleman for yielding.

I tell you, I had a wonderful speech prepared tonight, Mr. Speaker. It had a lot of facts and figures and a lot of things that a lot of people may not know, but I just want to comment and share tonight.

I will tell you, I was talking to JEB HENSARLING earlier, who spoke a little bit earlier, Mr. Speaker, a dear friend of mine, and we were talking about what a smile we had on our faces today.

□ 2045

A celebration of life. Something that we have been waiting for, for a long time, and I am just ecstatic. I look to my left over here and see the colleagues that are going to be speaking, and every one of them has got a smile on their face, and it is just exciting. It is a tremendous day; it is a tremendous moment for our country.

And I come here tonight for three reasons, three simple reasons: The first one is Madison Finley Barrett, my oldest daughter. The second one is James Edward Barrett; we call him Jeb, Cowboy, my middle son. And the third is Charles Ross Barrett, my baby. I think about them every day. I think about watching my wife give birth. I think

about how precious they are. I know it was a tremendous moment for me both physically and spiritually, and I don't think any person can witness something like that and not know that there is a God in heaven.

But I think about, Mr. Speaker, my children and my family, and I celebrate for them today. I celebrate for all the families across this Nation and the lives that we will save. I think about their first steps. I think about their first falls. I think about the first time they drove a car. I think about the excitement and the joy I feel and the satisfaction that I have because they are so precious. And out there tonight, Mr. Speaker, there are Madisons and Cowboys and Pally Pals that are being born. Each one of them special, each one of them a gift from God, each one of them with the ability to change the world.

It is a first step. It is a great step. I am just proud to be here to celebrate, to celebrate life, to celebrate freedom, to celebrate this wonderful thing. What a great country. What a great life. What a tremendous success.

Mr. FRANKS of Arizona. I certainly thank the gentleman. Sometimes, Mr. Speaker, a person doesn't know whether it wouldn't be better just to all go home at this point, because this man has certainly touched my heart. And he reminds us all that every little baby comes with a message that God has not yet despaired of mankind. And I thank the gentleman with all my heart.

Mr. Speaker, I yield to Congressman TODD AKIN for such time as he may consume.

Mr. AKIN. I thank the gentleman.

Mr. Speaker, today the Supreme Court ruled in favor of the protection of life, and this ruling affirms Congress's role in guarding and protecting that special gift of life. As Justice Kennedy stated, Congress determined that the abortion methods it prescribed had a disturbing similarity to the killing of a newborn infant.

In the past 30 years or so, our Nation has seen an appalling rise in the disrespect for the dignity of human life. And when a culture of life is not respected, a culture of death rises to fill the void. This culture of death has been eating away at our Nation's character, at America's soul. It seems that day after day we are inundated with new stories of senseless acts of violence and death carried out on innocent victims. It would be easy to try to turn and look away; it would be easy to pretend that that crisis does not exist, but it would not be right. Who is it who will defend the innocent that is led off to slaughter? Who will stand for the right to life in America?

I am reminded of William Wilberforce, the recent movie about his life's efforts to end the practice of slavery. The moving movie "Amazing Grace" demonstrates the value of this cause and the tireless efforts that Wilberforce went through year after year, constant criticism and rejection, until

he collected the votes to finally send slavery in the British empire to the dust bin of history. We as Members of Congress could learn from his great example. Will we show our own Nation the same love and respect for the dignity of human beings?

If there is one thing we should take away from this 5-4 decision, it is this, that when human life is threatened by such a gruesome procedure as partial birth abortion, all true sons and daughters of liberty, all true patriots, all true people who respect those rights that have been passed on to us by our Forefathers will take a stand for that precious, precious idea that God gives us life. And it is my sincere hope at this time that we can continue to build on this important victory and to create a new culture of life in our land.

There was a time years ago, many years ago, when America was just a dark forest almost on the horizon, when a young man in 1630 was aboard the Lion. He became, as we know Winthrop, Winthrop, the Governor of Boston, known as the George Washington of the Puritans. And as he was coming along the coast of Maine in the Lion and the wind was blowing across the pine forests out to sea and he smelled the smell of the pine and the balsam on the breeze and he put pen to paper and he started writing, "A Model of Christian Charity." And in there, he held a vision for America that America could be as a shining city on a hill, a light to people all over the world. And today, Mr. Speaker, that vision of a shining city seems just a little bit closer and a little bit less dim and a little closer to a reality that one day, one day that shining city on a hill, a vision of hope for all people of the world, a vision of a city where life, liberty and the pursuit of happiness are truly enshrined in every law and precept of this great Nation; may that vision come to reality even within our own days. Thank you. God bless you all.

Mr. FRANKS of Arizona. I thank the gentleman.

Mr. Speaker, Mr. AKIN has been committed for his entire life to these kinds of causes, which brought him to this place. And so many of us are thankful for his example for the way he has mentored so many of us in this place.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. JORDAN) for such time as he may consume.

Mr. JORDAN of Ohio. I thank the gentleman for yielding.

Mr. Speaker, today the Supreme Court upheld the Partial-Birth Abortion Ban Act of 2003, which was passed in the House, in the Senate, signed by the President and became Public Law No. 108-105 in November of 2003.

As others have stated this evening, this is a victory for the health of women across this country. It is a victory for unborn children. It is a victory for life, and, as I have said, people have indicated it is a victory for America.

I just want to take a minute to thank all the pro-life volunteers across this

country who are really the reason we have this celebration that we have today. Those of us in public life, those of us charged with forming public policy, we get approached just about every day by lobbyists and interest groups. And they want to talk to us. They want to influence legislation. They want to be a part of this process where the laws and the taxpayer dollars are spent. And they want to do all those things because they have a financial interest at stake. But the people who articulate that life is sacred, the people who advocate for protecting the sanctity of human life, they have nothing to gain financially by talking to us. They have nothing to gain financially by being involved in this movement. They simply do it because it is the right thing to do. They understand life is precious; life is sacred. They understand. That is why they work in our crisis pregnancy centers. That is why they help unwed mothers, because they understand how precious life is. And they understand, and others have talked about this. They understand what the Founders understood, that life is precious. And, as they said in the Declaration of Independence, that we hold these truths to be self-evident that all men are created equal, endowed by our Creator with certain inalienable rights, and among these are life, liberty, and the pursuit of happiness. And I think it is interesting to note the order that the Founders placed the rights they chose to mention, life, liberty, the pursuit of happiness. Can you pursue happiness, can you go after your goals and dreams if you first don't have freedom and liberty? And do you ever have true freedom and true liberty if government doesn't protect your most fundamental right, your right to live?

And that is what we celebrate today. Again, it is a testimony to the hard work of millions of pro-life people across this country. So I want to commend you and again say what a great day for America.

Mr. FRANKS of Arizona. I thank the gentleman from Ohio. And I hope the gentleman stays in public life and leadership for as long as he can stand up.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. GINGREY) for such time as he may consume.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding, and I thank him for putting together this special order hour this evening.

Mr. Speaker, I have been a Member of this body now for 4½ years, this being my third term. And as I stand here tonight in front of my colleagues, I want to say emphatically that this is my finest hour as a Member of this great body, this United States House of Representatives that I have been a part of with 434 of my colleagues.

We have disappointments. We have good days, we have bad days. But this is a good day, and this is a good day. And this is a day that the Lord has made. And that is why it is a good day.

I sincerely believe, Mr. Speaker, that God's hand is in everything we do, every deliberation, every bill, everything that seems so important to us, every victory, every defeat. Indeed, I even think maybe God's hand was in the Republican majority, my party, losing that opportunity possibly as a wake-up call. But I want to thank God this evening for Justice Kennedy and Justice Scalia, Justice Thomas, Justice Alito and Chief Justice Roberts.

It has taken a long time, Mr. Speaker. Back in 1992, when this abhorrent procedure was first described, and then finally I think it was in early 1995 maybe when the Member of this body from Florida, Representative KENNEDY, first introduced this bill to ban this procedure. And that bill to ban this abortion procedure, not to ban abortion, but to ban this type of abortion, which really is not an abortion; it is literally infanticide. It is killing of an infant. And it passed this body, and it passed this other body, only to be vetoed twice by the then President of the United States.

Mr. Speaker and my colleagues, today I thank God for Representative STEVE CHABOT from Ohio, who brought this bill once again to this body in 2003, my first year, my freshman year. And I was so proud to vote for Representative CHABOT's bill. And I thank God for former Senator Rick Santorum from the great State of Pennsylvania. Wherever he is tonight, I want to say, Rick, you lost your race, but you didn't lose the battle. And we thank God for your efforts then, because it has come to fruition now.

Mr. Speaker, I want to maybe make sure that my colleagues remember as they listen to my remarks tonight that I spent 26 years practicing obstetrics and gynecology. And in that great specialty, which I am so proud to be a part of that group, the American College of Obstetricians and Gynecologists, I had an opportunity to deliver 5,200 babies by my estimate over a 26-year period of time. They weren't all perfect. Some were born with birth defects. Some had spina bifida. And I have great friends in my hometown of Marietta, Georgia, in Cobb County, great, great parents like Brad and Kim Barfield, who have a beautiful little girl today who is suffering from spina bifida. They knew at 20 weeks that their little girl had that condition, but they didn't elect to terminate that pregnancy by a partial-birth abortion. And many others know ahead of time that they are going to have a child with Down's Syndrome, but they know that that is a gift from God that makes their lives better and the lives of their other children, the siblings. And I thank God for them.

Mr. Speaker, I want my colleagues to understand how this procedure of partial-birth abortion came about, because I remember. I remember when I was a resident in this specialty at the Medical College of Georgia back in 1974, 1975, shortly after *Roe v. Wade* was passed within a year.

□ 2100

There was a physician at a major medical center in the northeast, I do not remember the hospital, I do not remember the doctor's name, but it was at a teaching center. Back then, if a woman did not have an abortion at 12 to 14 weeks of pregnancy, the first trimester, and in fact, 90 percent of the million annual abortions that are performed in this country are done in the first trimester by a fairly simple procedure called a D&C, but if the pregnancy went beyond and it got to the second trimester and approaching the third trimester, and we are talking now about a 22, 24-week pregnancy when a baby weighs two-and-a-half pounds, the way the abortion procedure was done then back in 1975, and this was perfectly legal under *Roe v. Wade*, all it required is a licensed physician performed the procedure in a licensed medical facility with the consent of two other physicians.

This is the way the procedure was done. A strong salt, we say saline in the medical parlance, but a salt solution was injected into the mother's womb through the abdomen, and that salt solution, most of the time, killed the baby, killed this baby at 24, 26 weeks, maybe even 3 pounds, certainly capable of not only a live birth but a great life without disability. But as long as the baby was killed, and then the mother was put into labor and delivered a dead baby, that was perfectly legal.

Unfortunately for this doctor back in 1975, he injected the saline and it did not kill the baby. So the next day he injected saline again, and it still did not kill the baby. So he took the mother to the operating room and performed an operation that he called a hysterotomy, that is, an opening of the uterus which really is an early, very early cesarean section. But instead of delivering that live baby, he reached his hand inside the incision and grabbed the umbilical cord and held it until that baby's heart stopped beating.

There just happened to be a nurse in attendance in that operating room that said this esteemed doctor killed that baby, and there was a court decision, a lot of brouhaha, and in the final analysis, the doctor was acquitted.

But from that day forward, that is when partial birth abortions, Mr. Speaker, started because nobody wanted to be in a situation, no doctor, of trying to abort a baby and inadvertently, deliberately and knowing then that they could not kill the baby because it was outside the mother's womb.

So they devised this procedure of partially delivering the baby. If the baby is head first, put the patient into labor, dilate the cervix, and when that head comes out, crush the skull, or if it is a breach presentation, dilate the cervix, put the patient in labor, and when the baby is delivered to the naval, then go up inside and crush the skull and then

deliver and then the baby is dead, and it is perfectly legal.

That is what this is all about, and we are talking about maybe 2,000, 2,500 procedures a year out of the million legal abortions that are performed, mostly in the first trimester.

Mr. Speaker, it is unbelievable when I read quotes, and this happens to be a quote from a member of the other body and certainly I would not name names here tonight but this is a quote: As a result of today's ruling, the health of women who have dangerous pregnancies is now in deep jeopardy. Women who are in need of this banned procedure will be denied it, even if they risk losing their fertility, becoming paralyzed or sustaining organ damage.

Mr. Speaker, the risk of any of those things is greater, much greater if they have this procedure done. Our judiciary committee in this House and in the other body have had multiple hearings from physicians across this country that say this procedure does not need to be done to protect the health of the mother, unless you call the health of the mother anxiety over not wanting that baby. There is still an exception that this abhorrent procedure could be done to protect the life of the mother.

Mr. Speaker, I did not mean to take quite this much time, and I know my colleague needs time to conclude, and I thank God for him, too. I thank God for each and every Member that has spoken here tonight, and I will remember them for the rest of my life. I will remember each one of these Members who have spoken and applauded and, yes, smiled on this great day because to me and to them this transcends any other disappointments and frustrations and aggravations that we may have had on both sides of the aisle in maybe not getting our way on a particular piece of legislation here and there. Nothing is more important than this.

I want to say as I conclude, I want to say to my 9-year old identical, twin granddaughters, Allie and Hannah, who were born at 26 weeks, each weighing 1 pound 12 ounces, thank God for your mom and dad, my daughter and son-in-law, Gannon and Hank Manning, that they did not make a decision that they did not want you, even though you were so fragile. God reached down and lifted you up and now you are the beautiful love of our lives, your grandparents, Mommy and Grand Doc, and so proud as you make progress now in the second grade.

I say to my grandson Hank and my brand new grandson Sabine, just 2 weeks old, your brothers, and to my two other grandchildren, of Phyllis and Jerry Collins, little Grey, two-and-a-half years old; and little Marion, 8 months old, Grand Doc is proud of you, and I know that you are proud of Grand Doc. You are proud that he stood here tonight in defense of the sanctity of life, and I know that God's hand is in all of that.

I just say, as I conclude, I am blessed. We are all blessed. We are all blessed to

have this opportunity in a historic moment. No, it does not ban abortion, and most of us hope eventually that there will be no need for that and that the sanctity of life, at the earliest and at the last moments, will be honored and respected.

Again, I just want to thank the gentleman from Arizona (Mr. FRANKS). I am proud to be his classmate. I am proud to be a colleague, and I thank him for giving me the opportunity to talk to my colleagues tonight.

Mr. FRANKS of Arizona. Mr. Speaker, I thank my precious friend PHIL GINGREY from Georgia. It is a wonderful thing to have a man here that has the expertise of a doctor and an obstetrician, to be able to speak to an issue like this, and yet one who has maintained his commitment always to being a help to someone, that would always protect human life rather than to ever try to take it from someone. I just think he is a credit to his profession and certainly a credit to this body.

Mr. Speaker, I suppose that tonight I would just kind of recap here for a moment. A lot of people have mentioned their family members, and I certainly love every one of mine, but I will bring to mind and to voice one special little boy by the name of Landon Trent Franks. Now, the fact that his name is the same as mine is strictly a coincidence, but I am thankful that his daddy and his mother loved him enough to give him a chance at life, and I think at some point, probably the time he is 21, he will be President of the United States which is a great encouragement to me as well.

I understand that we are all proud of our families, but whether a child reaches the great heights in this life or whether they just have a chance to breathe in the breath of freedom and to be able to walk on the free soil of the United States of America or just to have a chance to pursue this thing called happiness in life, it is incumbent upon all of us to recognize that we are all mortal and that this gift of life is the profoundest kind of miracle and that America itself was founded on the basic premise that every life was important, that it was a gift of God, and that each one of us should work to try to protect life and liberty and the pursuit of happiness for all of our fellow human beings.

The tragedy of *Roe v. Wade* when it came along, it just kind of took us all by surprise, because you see, this was not something that the country voted on. This was not something that the United States people as a whole decided to bring about themselves.

This was something that erudite, and might I say, Mr. Speaker, very arrogant and unjust members of the United States Supreme Court took upon themselves to arrogate this thing, to take away the constitutional rights of the unborn child. It is the not the first time that things like that have happened.

Back in 1857, in the *Dred Scott* decision, the Supreme Court said that the

black man was not a person under the Constitution, and it took a civil war to reverse that tragedy. Today, we all look back on that and we say how could they have ever done that, and yet we have killed 50 million of our own children.

In the rise of the Nazi Holocaust, we saw the German high tribunal say that the Jews were subhuman and not persons under the German Constitution, and it precipitated a great tragedy.

Then in 1973 we saw the Supreme Court take away the right to live of the unborn child.

In all three cases, Mr. Speaker, not only was there a great human tragedy that followed, but there was a greater one that followed as a result. The civil war took more lives than any war in our history. The world war that changed the Nazi Holocaust took 50 million lives worldwide and it saw atomic bombs fall on cities across the world.

I have to say to you that I do not know where America will finally end up here. I do not know what the future holds, but I am so encouraged today that we have made a turn and that we have come to ourselves to some degree and said, you know, there is a time when we can protect these little babies in the womb, and I think if we come to that conclusion, that something even greater will happen. We will begin to understand that these little miracles of life in the womb are the beginning of us all and that there is a way that America can come up with a better solution than abortion on demand, that we are bigger than that as a people.

I am convinced that the day will come some day, Mr. Speaker, when the warm sunlight of life will break through the clouds and once again shine on the face of unborn children in America. When that day comes it will be people like PHIL GINGREY, it will be people like CHRIS SMITH, it will be people like BILL SALI, it will be people like GRESHAM BARRETT, it will be people like JIM JORDAN, people like TODD AKIN, people like JEB HENSARLING, people like STEVE CHABOT, people like George W. Bush the history will be most aware of. They will remember that these were individuals that, through all the storm, held tightly to the hand of a little baby until the storm was gone.

Mr. Speaker, if I am wrong about that, if somehow America never finds its way back home on this issue, I am still convinced of one thing more than any other, and that is, that the Lord of the universe hears the cries of absolutely every one of his children, no matter who or where they are. And if time turns every star in heaven to ashes, I know in my soul that eternal moment of His deliverance will come to each of them. And I hope that we do the part He has given us to that end.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. JONES of Ohio (at the request of Mr. HOYER) for today on account of a death in the family.

Mr. CANTOR (at the request of Mr. BOEHNER) for today and the balance of the week on account of a death in the family.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCOTT of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. McDERMOTT, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

□ 2115

#### ADJOURNMENT

Mr. FRANKS of Arizona. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Thursday, April 19, 2007, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1117. A letter from the Secretary, Department of Agriculture, transmitting the Department's report entitled, "Assessment of the Cattle and Hog Industries" for Calendar Year 2006, pursuant to Public Law 106-472; to the Committee on Agriculture.

1118. A letter from the Director, Pentagon Renovation and Construction Program Office, Department of Defense, transmitting the seventeenth annual report on the Pentagon Renovation and Construction Program, pursuant to 10 U.S.C. 2674; to the Committee on Armed Services.

1119. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the 2006 Annual Report regarding the Department's enforcement activities under the Equal Credit Opportunity Act, pursuant to 15 U.S.C. 1691f; to the Committee on Financial Services.

1120. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Council's 2006 Annual Report, pursuant to 12 U.S.C. 3305; to the Committee on Financial Services.

1121. A letter from the Secretary, Department of Transportation, transmitting the Department's Fiscal Year 2006 annual report as required by the Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended, pursuant to 42 U.S.C. 9620; to the Committee on Energy and Commerce.

1122. A letter from the Electric Energy Market Competition Task Force, transmitting the Task Force's report to Congress on competition in wholesale and retail markets for electric energy, pursuant to Section 1815 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

1123. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's annual report for FY 2006 on the implementation of the National Do Not Call Registry, pursuant to The Do Not Call Implementation Act; to the Committee on Energy and Commerce.

1124. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Inspector General's semi-annual report for the period April 1, 2006 through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

1125. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's report for FY 2006 and the preceding four fiscal years on the activities to ensure accountability for antidiscrimination and whistleblower laws related to employment, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

1126. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the Commission's FY 2006 Annual Report pursuant to Section 203, Title II of the No Fear Act, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1127. A letter from the Administrator, General Services Administration, transmitting the Administration's Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 Report for fiscal years 2002 through 2006; to the Committee on Oversight and Government Reform.

1128. A letter from the General Counsel, Government Accountability Office, transmitting the information required pursuant to the annual reporting requirement set forth in Section 203 of the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002" (NoFear), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1129. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's annual report pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1130. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled, "Accomplishing Our Mission: Results of the Merit Principles Survey 2005," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Oversight and Government Reform.

1131. A letter from the Director, Peace Corps, transmitting the Corps' report for fiscal year 2006, pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1132. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting a copy of a draft bill titled, "Range Improvement Fund Amendment Act of 2007"; to the Committee on Natural Resources.

1133. A letter from the Director, Administrative Office of the U.S. Courts, transmitting two reports on the 2006 Activities of the Administrative Office of the United States Courts and the 2006 Judicial Business of the United States Courts, pursuant to 28 U.S.C. 604(a)(4), (h)(2), and 2412(d)(5); to the Committee on the Judiciary.

1134. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Tennessee Advisory Committee; to the Committee on the Judiciary.

1135. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, and -106 Airplanes; and Model DHC-8-200 and DHC-8-300 Series Airplanes [Docket No. FAA-2006-26558; Directorate Identifier 2006-NM-206-AD; Amendment 39-14954; AD 2007-04-22] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1136. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company 65, 90, 99, 100, 200, and 1900 Series Airplanes, and Models 70 and 300 Airplanes [Docket No. 2003-CE-51-AD; Amendment 39-13857; AD 2004-23-02] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1137. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International CFM56-5 and -5B Series Turbofan Engines [Docket No. FAA-2007-27112; Directorate Identifier 2001-NE-49-AD; Amendment 39-14926; AD 2007-03-15] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1138. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-26191 Directorate Identifier 2006-CE-60-AD; Amendment 39-14927; AD 2007-03-16] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1139. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-26234 Directorate Identifier 2006-CE-64-AD; Amendment 39-14928; AD 2007-03-17] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1140. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EXTRA Flugzeugproduktions- und Vertriebs-GmbH Models EA-300, EA-300S, EA-300L, and EA-300/200 Airplanes [Docket No. FAA-2006-26134; Directorate Identifier 2006-CE-56-AD; Amendment 39-14898; AD 2007-02-11] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1141. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170-100 LR, -100 STD, -100 SE, -100 SU, -200 LR, -200 STD, and -200 SU Airplanes and Model ERJ 190 Airplanes [Docket No. FAA-2006-26462; Directorate Identifier 2006-NM-221-AD; Amendment 39-14952; AD 2007-04-20] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1142. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Alpha Aviation Design Limited R2160 Airplanes [Docket No. FAA-2006-26496 Directorate Identifier 2006-CE-81-AD; Amendment 39-14958; AD 2007-04-25] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1143. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2006-26647; Directorate Identifier 2006-NM-194-AD; Amendment 39-14957; AD 2007-04-24] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1144. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes [Docket No. FAA-2006-25391; Directorate Identifier 2006-NM-097-AD; Amendment 39-14956; AD 2007-04-23] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1145. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes [Docket No. FAA-2006-26355; Directorate Identifier 2006-NM-198-AD; Amendment 39-14953; AD 2007-04-21] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1146. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A., (CASA) Model C-212 Airplanes [Docket No. FAA-2007-27335; Directorate Identifier 2006-NM-291-AD; Amendment 39-14962; AD 2007-05-01] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1147. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes [Docket No. FAA-2006-25890; Directorate Identifier 2006-NM-115-AD; Amendment 39-14943; AD 2007-04-11] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1148. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes; A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and A310 Airplanes [Docket No. FAA-2006-24289; Directorate Identifier 2005-NM-186-AD; Amendment 39-14921; AD 2007-03-10] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1149. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Superior Air Parts, Inc. (SAP), Cast Cylinder Assemblies Part Numbers Series: SA47000L, SA47000S, SA52000, SA55000, SL32000W, SL32000WH, SL32006W, SL36000TW, SL36000W, and SL36006W [Docket No. FAA-2006-25948; Directorate Identifier 2006-NE-32-AD; Amendment 39-14951; AD 2007-04-19] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1150. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 Series Airplanes [Docket No. FAA-2006-25470; Directorate Identifier 2006-NM-090-AD; Amendment 39-14942; AD 2007-04-10] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.



1151. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-25637; Directorate Identifier 2006-CE-43-AD; Amendment 39-14939; AD 2007-04-08] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1152. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers & Harland Ltd. Models SC-7 Series 2 and SC-7 Series 3 Airplanes [Docket No. FAA-2006-25926; Directorate Identifier 2000-CE-17-AD; Amendment 39-14946; AD 2003-17-05R1] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1153. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sisma Aero Seat, Passenger Seat Assemblies [Docket No. FAA-2006-24036; Directorate Identifier 2006-NE-04-AD; Amendment 39-14947; AD 2007-04-15] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1154. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-26235; Directorate Identifier 2006-CE-65-AD; Amendment 39-14945; AD 2007-04-13] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1155. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 23, 24, 24A, 24B, 24B-A, 24C, 24D, 24D-A, 24E, 24F, 24F-A, 25, 25A, 25B, 25C, 25D, 25F, 28, 29, 31, 31A, 35, 35A (C-21A), 36, 36A, 55, 55B, and 55C Airplanes [Docket No. FAA-2006-25563; Directorate Identifier 2006-NM-083-AD; Amendment 39-14950; AD 2007-04-18] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1156. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, and DC-10-30F (KC-10A and KDC-10) Airplanes; Model DC-10-40 and DC-10-40F Airplanes equipped with Pratt & Whitney JT9-20 or JT9-20J Engines; and Model MD-10-10F and MD-10-30F Airplanes [Docket No. FAA-2006-26049; Directorate Identifier 2006-NM-177-AD; Amendment 39-14949; AD 2007-04-17] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1157. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Airplanes [Docket No. FAA-2005-20351; Directorate Identifier 2003-NM-269-AD; Amendment 39-14948; AD 2007-04-16] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1158. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB-Fairchild SF340A (SAAB/SF340A) and SAAB 340B Airplanes [Docket No. FAA-2006-25271; Directorate Identifier 2006-NM-067-AD; Amendment 39-14903; AD 2007-02-16] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1159. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2006-24691; Directorate Identifier 2006-NM-051-AD; Amendment 39-14901; AD 2007-02-14] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1160. A letter from the Secretary, Department of Labor, transmitting a copy of a draft bill entitled, "Black Lung Disability Trust Fund Debt Restructuring Act"; to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCURI: Committee on Rules. House Resolution 317. Resolution providing for consideration of the bill (H.R. 1905) to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes and providing for consideration of the bill (H.R. 1906) to amend the Internal Revenue Code of 1986 to adjust the estimated tax payment safe harbor based on income for the preceding year in the case of individuals with adjusted gross income greater than \$5 million (Rept. 110-98). Referred to the House Calendar.

Mr. CARDOZA: Committee on Rules. House Resolution 318. Resolution providing for consideration of the bill (H.R. 363) to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes (Rept. 110-99). Referred to the House Calendar.

Ms. MATSUI: Committee on Rules. House Resolution 319. Resolution providing for consideration of the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. 110-100). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 1281. A bill to amend title 18, United States Code, to prohibit certain deceptive practices in Federal elections, and for other purposes, with an amendment (Rept. 110-101). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. NORTON (for herself and Mr. TOM DAVIS of Virginia):

H.R. 1905. A bill to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 1906. A bill to amend the Internal Revenue Code of 1986 to adjust the estimated tax payment safe harbor based on income for the preceding year in the case of individuals

with adjusted gross income greater than \$5 million; to the Committee on Ways and Means.

By Mr. SAXTON (for himself and Mrs. CAPPS):

H.R. 1907. A bill to authorize the acquisition of land and interests in land from willing sellers to improve the conservation of, and to enhance the ecological values and functions of, coastal and estuarine areas to benefit both the environment and the economies of coastal communities, and for other purposes; to the Committee on Natural Resources.

By Mr. BERMAN (for himself, Mr. SMITH of Texas, Mr. CONYERS, Mr. COBLE, Mr. BOUCHER, Mr. GOODLATTE, Ms. ZOE LOFGREN of California, Mr. ISSA, Mr. SCHIFF, Mr. CANNON, and Ms. JACKSON-LEE of Texas):

H.R. 1908. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

By Mr. CUELLAR (for himself, Mr. PASTOR, Mr. REYES, Mr. RODRIGUEZ, Mr. CARTER, and Mr. CONAWAY):

H.R. 1909. A bill to increase the number of Federal judgeships in certain judicial districts with heavy caseloads of criminal immigration cases; to the Committee on the Judiciary.

By Mr. MICHAUD (for himself and Mr. SMITH of New Jersey):

H.R. 1910. A bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Armed Services, Oversight and Government Reform, Rules, Energy and Commerce, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DONNELLY:

H.R. 1911. A bill to amend the Internal Revenue Code of 1986 to modify the credit for expenses for household and dependent care services necessary for gainful employment; to the Committee on Ways and Means.

By Mr. BILLIRAKIS:

H.R. 1912. A bill to amend title XVIII of the Social Security Act to cover hearing aids and auditory rehabilitation services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of South Carolina (for himself, Mr. YOUNG of Alaska, and Mr. ROGERS of Kentucky):

H.R. 1913. A bill to assist in the conservation of great cats by supporting and providing financial resources for the conservation programs of nations within the range of great cats and projects of persons with demonstrated expertise in the conservation of great cats; to the Committee on Natural Resources.

By Mr. CARTER (for himself, Mr. FORBES, Mr. CHABOT, Mr. POE, Mr. BURTON of Indiana, Mr. LAMBORN, Mr. MILLER of Florida, Mr. BARRETT of South Carolina, Mr. HENSARLING, Mr. WAMP, Mr. SAM JOHNSON of Texas, Mr. BURGESS, Mr. PEARCE, Mr. REHBERG, Mrs. MUSGRAVE, Mr. NEUGEBAUER, Mrs. BLACKBURN, Mr. SESSIONS, Mr. BRADY of Texas, Mr. MCCAUL of Texas, Mr. BISHOP of Utah, Mr. GOHMERT, Mr. HAYES, Mr. MCHENRY, and Mr. CULBERSON):

H.R. 1914. A bill to amend title 18, United States Code, to ensure the death penalty for

terrorists, and for other purposes; to the Committee on the Judiciary.

By Mr. CASTLE:

H.R. 1915. A bill to promote the future of the American automobile industry, and for other purposes; to the Committee on Science and Technology, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 1916. A bill to amend the Internal Revenue Code of 1986 to expand, and extend for 10 years, the American Samoa economic development credit; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 1917. A bill to amend the Endangered Species Act of 1973 to enable Federal agencies responsible for the preservation of threatened species and endangered species to rescue and relocate members of any of those species that would be taken in the course of certain reconstruction, maintenance, or repair of Federal or non-Federal manmade flood control levees; to the Committee on Natural Resources.

By Mr. HERGER:

H.R. 1918. A bill to amend the Forest Service use and occupancy permit program to restore the authority of the Secretary of Agriculture to utilize the special use permit fees collected by the Secretary in connection with the establishment and operation of marinas in units of the National Forest System derived from the public domain, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. ACKERMAN, Mr. ALLEN, Mr. BAIRD, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mrs. BIGGERT, Mr. BLUMENAUER, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CAPUANO, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONYERS, Mr. COSTELLO, Mr. COURTNEY, Mr. CROWLEY, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DEFazio, Mr. DELAHUNT, Ms. DELAURO, Mr. DOGGETT, Mr. DOYLE, Mr. ELLISON, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Mr. HIGGINS, Ms. HIRONO, Mr. HASTINGS of Florida, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. INSLEE, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KENNEDY, Mr. KILDEE, Mr. KIRK, Mr. KUCINICH, Mr. LAHOOD, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOBIONDO, Ms. ZOE LOFGREN of California, Mr. LYNCH, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MARSHALL, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mr. MILLER of North Carolina, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. MURPHY of Con-

necticut, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLIVER, Mr. PALLONE, Mr. PAYNE, Mr. PERLMUTTER, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Mr. SIREs, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Ms. SUTTON, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Ms. WATERS, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, Mr. WYNN, and Mr. YARMUTH):

H.R. 1919. A bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Basin and Range Deserts in Utah for the benefit of present and future generations of Americans; to the Committee on Natural Resources.

By Mr. INSLEE:

H.R. 1920. A bill to provide incentives to the auto industry to accelerate efforts to develop more energy-efficient vehicles to lessen dependence on oil; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself,

Mr. CONYERS, Mr. MCGOVERN, Mr. FARR, Mr. MCDERMOTT, Mr. PAUL, Ms. CARSON, Mr. CLAY, Mr. ELLISON, Mr. FATTAH, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUCINICH, Ms. NORTON, Mr. OBERSTAR, Mr. SERRANO, and Ms. WOOLSEY):

H.R. 1921. A bill to affirm the religious freedom of taxpayers who are conscientiously opposed to participation in war, to provide that the income, estate, or gift tax payments of such taxpayers be used for non-military purposes, to create the Religious Freedom Peace Tax Fund to receive such tax payments, to improve revenue collection, and for other purposes; to the Committee on Ways and Means.

By Mr. MAHONEY of Florida:

H.R. 1922. A bill to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCARTHY of California:

H.R. 1923. A bill to amend the Internal Revenue Code of 1986 to modify the exemption amount for the alternative minimum tax; to the Committee on Ways and Means.

By Mr. MEEK of Florida (for himself and Mr. HERGER):

H.R. 1924. A bill to amend the Internal Revenue Code of 1986 to provide credit rate parity for all renewable resources under the electricity production credit; to the Committee on Ways and Means.

By Mr. MILLER of Florida:

H.R. 1925. A bill to direct the Secretary of Veterans Affairs to establish a separate Veterans Integrated Service Network for the Gulf Coast region of the United States; to the Committee on Veterans' Affairs.

By Mr. NEAL of Massachusetts (for himself, Mr. ENGLISH of Pennsyl-

vania, Mr. TOWNS, Mr. LATHAM, and Mrs. MCCARTHY of New York):

H.R. 1926. A bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ORTIZ (for himself, Mr. MORAN of Virginia, Mr. EDWARDS, Mr. HINOJOSA, Mr. FILNER, Mr. REYES, Ms. CORRINE BROWN of Florida, Mr. HARE, Mr. GORDON, Mrs. BOYDA of Kansas, Mr. PASTOR, Mr. MOORE of Kansas, Mr. BRADY of Pennsylvania, Mr. ROGERS of Alabama, Mr. RODRIGUEZ, Ms. SHEA-PORTER, Mr. ARCURI, Mr. BARTLETT of Maryland, Mr. LAMPSON, Mr. GRIJALVA, Mr. HIGGINS, Mr. MCGOVERN, Mr. PERLMUTTER, Mr. MCNERNEY, Mr. MARSHALL, Mr. JACKSON of Illinois, and Ms. WOOLSEY):

H.R. 1927. A bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans dependency and indemnity compensation, and for other purposes; to the Committee on Armed Services.

By Mr. REYES:

H.R. 1928. A bill to provide for a report by the National Academy of Sciences on underrepresentation of certain groups in science, technology, engineering, and mathematics fields; to the Committee on Science and Technology.

By Mr. SALAZAR (for himself, Mr.

MAHONEY of Florida, and Mr. HILL):

H.R. 1929. A bill to amend the Internal Revenue Code of 1986 to exempt certain farmland from the estate tax; to the Committee on Ways and Means.

By Mr. SHADEGG:

H.R. 1930. A bill to amend the Immigration and Nationality Act to increase competitiveness in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 1931. A bill to amend the Federal Reserve Act to require the production of Federal reserve notes in a manner which enables an individual who is blind to determine the denomination of each such note, and for other purposes; to the Committee on Financial Services.

By Mr. STUPAK (for himself, Mr. BURGESS, Mr. ENGLISH of Pennsylvania, and Mr. POMEROY):

H.R. 1932. A bill to amend title XVIII of the Social Security Act to provide for improved payments under the Medicare Program for academic anesthesiology programs for resident physicians and for academic programs for student registered nurse anesthetists; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado:

H.R. 1933. A bill to amend the Energy Policy Act of 2005 to reauthorize and improve the carbon capture and storage research, development, and demonstration program of the Department of Energy, and for other purposes; to the Committee on Science and Technology.

By Mr. WYNN:

H.R. 1934. A bill to amend title 31, United States Code, to require the provision of a written prompt payment policy to each subcontractor under a Federal contract and to

require a clause in each subcontract under a Federal contract that outlines the provisions of the prompt payment statute and other related information; to the Committee on Oversight and Government Reform.

By Mr. WYNN:

H.R. 1935. A bill to amend the Small Business Act to provide a penalty for the failure by a Federal contractor to subcontract with small businesses as described in its subcontracting plan, and for other purposes; to the Committee on Small Business.

By Mr. WYNN:

H.R. 1936. A bill to amend the Small Business Act to increase the minimum Government-wide goal for procurement contracts awarded to small business concerns; to the Committee on Small Business.

By Mrs. CUBIN:

H. Con. Res. 116. Concurrent resolution expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, Wyoming, shall be designated as the "National Museum of Wildlife Art of the United States"; to the Committee on Natural Resources.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. CANTOR, Mr. WOLF, Mrs. DRAKE, Mr. TOM DAVIS of Virginia, Mr. MORAN of Virginia, Mr. SCOTT of Virginia, Mr. BOUCHER, Mr. GOODLATTE, Mr. FORBES, and Mr. GOODE):

H. Con. Res. 117. Concurrent resolution commemorating the 400th Anniversary of the settlement of Jamestown; to the Committee on Oversight and Government Reform.

By Mr. EMANUEL (for himself, Mr. RUSH, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. ROSKAM, Mr. DAVIS of Illinois, Ms. BEAN, Ms. SCHAKOWSKY, Mr. KIRK, Mr. WELLER, Mr. COSTELLO, Mrs. BIGGERT, Mr. HASTERT, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. HARE, Mr. LAHOOD, and Mr. SHIMKUS):

H. Con. Res. 118. Concurrent resolution congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games; to the Committee on Foreign Affairs.

By Mr. GOODE:

H. Con. Res. 119. Concurrent resolution expressing the sense of the Congress that the President should immediately and unequivocally call for the enforcement of existing immigration laws in order to reduce the threat of a terrorist attack and to reduce the massive influx of illegal aliens into the United States; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H. Res. 315. A resolution honoring the accomplishments and legacy of Juan Nepomuceno Seguin; to the Committee on Oversight and Government Reform.

By Mr. MCNERNEY:

H. Res. 316. A resolution recognizing the accomplishments of Roger D. Kornberg, Andrew Fire, Craig Mello, John C. Mather, and George F. Smoot for being awarded Nobel Prizes in the fields of chemistry, physiology or medicine, and physics; to the Committee on Science and Technology.

By Mr. DUNCAN (for himself, Mr. GORDON, Mr. TANNER, Mr. COOPER, Mr. WAMP, Mrs. BLACKBURN, Mr. LINCOLN DAVIS of Tennessee, Mr. DAVID DAVIS of Tennessee, and Mr. COHEN):

H. Res. 320. A resolution congratulating the University of Tennessee women's basket-

ball team for winning the 2007 NCAA Division I Women's Basketball Championship; to the Committee on Education and Labor.

By Mr. RANGEL:

H. Res. 321. A resolution honoring Dick Brown: New York's greatest ambassador to Washington; to the Committee on Oversight and Government Reform.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. MCNERNEY, Mr. BRALEY of Iowa, Mr. HIGGINS, Mr. BONNER, and Mr. JEFFERSON.

H.R. 20: Ms. BORDALLO.

H.R. 35: Ms. JACKSON-LEE of Texas and Mr. WOLF.

H.R. 36: Mr. MCCOTTER.

H.R. 37: Mr. FORBES.

H.R. 74: Mr. BRALEY of Iowa.

H.R. 82: Mr. ARCURI, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Mr. COHEN, Mr. EMANUEL, Mr. HILL, Mr. INSLEE, Mr. JONES of North Carolina, Mrs. MILLER of Michigan, Ms. ROS-LEHTINEN, Mr. WALDEN of Oregon, and Mr. WELCH of Vermont.

H.R. 89: Mr. CHANDLER.

H.R. 91: Mr. GERLACH.

H.R. 178: Mr. JACKSON of Illinois.

H.R. 180: Mr. SIRES.

H.R. 196: Mr. DAVIS of Kentucky.

H.R. 197: Mr. KLINE of Minnesota, Mr. INSLEE, Mr. KIND, and Mr. WALBERG.

H.R. 221: Mr. YOUNG of Alaska.

H.R. 279: Mr. WALBERG.

H.R. 303: Ms. WOOLSEY and Mr. EDWARDS.

H.R. 333: Mr. FILNER, Mr. BARROW, Mr. ABERCROMBIE, Mr. MICHAUD, Mr. BARTLETT of Maryland, and Mr. LEWIS of Kentucky.

H.R. 369: Mr. PASTOR.

H.R. 411: Mrs. SCHMIDT and Mrs. CUBIN.

H.R. 436: Mr. SENSENBRENNER.

H.R. 522: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 549: Mr. HELLER and Mr. PRICE of North Carolina.

H.R. 567: Mr. HODES.

H.R. 579: Mr. GINGREY, Mr. BERMAN, Mr. SARBANES, Mrs. MCCARTHY of New York, Mr. BRADY of Pennsylvania, Mr. BOSWELL, Mr. LATOURETTE, and Mr. BISHOP of New York.

H.R. 583: Mr. WELLER, Mr. MELANCON, and Mr. LATHAM.

H.R. 620: Mr. SHULER and Mr. OBEY.

H.R. 624: Mr. OBERSTAR and Ms. DEGETTE.

H.R. 631: Mr. SAM JOHNSON of Texas.

H.R. 642: Mr. MILLER of North Carolina, Mr. PRICE of North Carolina, Mr. MCGOVERN, Mr. GERLACH, Mr. CARDOZA, Mr. HOLT, Mr. BUTTERFIELD, and Mr. PORTER.

H.R. 643: Mr. JOHNSON of Illinois, Mr. MCGOVERN, Mr. HOBSON, Mr. PORTER, Ms. HERSETH SANDLIN, Mr. CHABOT, Mr. PRICE of North Carolina, Mr. JOHNSON of Georgia, Mrs. CUBIN, Mr. WILSON of South Carolina, Mr. DAVIS of Kentucky, Mr. BONNER, Mr. CAMPBELL of California, Mr. WOLF, Mr. CLAY, Mr. MORAN of Kansas, Mr. WICKER, Mr. GERLACH, Mr. MILLER of Florida, Mr. KELLER, Mr. RAMSTAD, Mr. SESSIONS, Mr. PETERSON of Pennsylvania, Mr. CARDOZA, Mr. AKIN, Mr. SHADEGG, Mr. GINGREY, Mr. BROWN of South Carolina, Mr. RUPPERSBERGER, Mr. DUNCAN, Mr. BUTTERFIELD, Mr. HOLT, Ms. ROS-LEHTINEN, Mr. LAMBORN, Mr. TURNER, Mr. DICKS, and Mr. LATHAM.

H.R. 654: Mr. POMEROY, Mr. LEWIS of Georgia, Ms. KILPATRICK, Ms. DEGETTE, Mrs. CUBIN, Mr. OBERSTAR, Ms. VELÁZQUEZ, and Mr. BOUCHER.

H.R. 661: Mr. ARCURI.

H.R. 677: Mr. ISRAEL.

H.R. 698: Mr. ROSS, Mr. JINDAL, Ms. NORTON, Mr. THORNBERRY, Mrs. MCCARTHY of

New York, Mr. LEWIS of Georgia, Ms. HARMAN, and Mr. RAHALL.

H.R. 729: Mr. RODRIGUEZ and Mr. KENNEDY.

H.R. 748: Mr. OLVER.

H.R. 752: Mr. MCGOVERN, Mr. MEEKS of New York, Mr. LANTOS, Mr. REYES, Ms. NORTON, Ms. BORDALLO, and Ms. CORRINE BROWN of Florida.

H.R. 757: Mr. ABERCROMBIE, Mr. WAXMAN, Mr. ALLEN, and Ms. SCHAKOWSKY.

H.R. 760: Mr. JOHNSON of Georgia.

H.R. 784: Mr. EDWARDS, Mr. BERRY, Mr. BRADY of Pennsylvania, Mr. BOSWELL, and Mr. BISHOP of New York.

H.R. 811: Mr. DONNELLY.

H.R. 819: Mr. HARE, Mr. BAIRD, Ms. CLARKE, Mr. LOEBACK, and Mr. HALL of New York.

H.R. 821: Mr. DINGELL, Mr. CUMMINGS, and Ms. MATSUI.

H.R. 885: Mrs. TAUSCHER, Mr. BERMAN, and Mr. LINDER.

H.R. 943: Mrs. JONES of Ohio.

H.R. 963: Mr. BOREN.

H.R. 969: Mr. SHERMAN, Ms. MATSUI, Ms. ESHOO, Ms. KAPTUR, Ms. CARSON, Mr. WEINER, Mr. PETERSON of Minnesota, Mr. PATRICK MURPHY of Pennsylvania, Mrs. MALONEY of New York, and Mr. KIND.

H.R. 970: Mr. WALBERG.

H.R. 971: Mr. HODES.

H.R. 972: Ms. WOOLSEY.

H.R. 989: Mr. WAMP, Mr. GOHMERT, Mr. BOOZMAN, Mr. PENCE, Mr. RAMSTAD, Mr. FRANKS of Arizona, Mr. JACKSON of Illinois, Mr. COLE of Oklahoma, and Mr. LEWIS of Kentucky.

H.R. 1023: Mr. MCNERNEY.

H.R. 1028: Mr. CARNAHAN.

H.R. 1043: Mr. RAHALL and Mr. MEEK of Florida.

H.R. 1055: Mr. HASTINGS of Florida, Ms. ZOE LOFGREN of California, and Mr. OBEY.

H.R. 1063: Mr. RAHALL.

H.R. 1064: Mr. LINCOLN DAVIS of Tennessee.

H.R. 1069: Ms. MILLENDER-MCDONALD.

H.R. 1070: Ms. MILLENDER-MCDONALD.

H.R. 1076: Mr. BRALEY of Iowa and Mr. PRICE of North Carolina.

H.R. 1079: Mr. CLEAVER.

H.R. 1098: Mr. EHLERS.

H.R. 1101: Mr. BOOZMAN.

H.R. 1104: Mr. BECERRA.

H.R. 1108: Mrs. BONO.

H.R. 1110: Mr. DOYLE, Mr. BRALEY of Iowa, Mr. ALTMIRE, Mr. GRIJALVA, Mr. FRANKS of Arizona, Mr. BOYD of Florida, Mr. FILNER, Ms. ZOE LOFGREN of California, Mr. PASTOR, Mr. OBERSTAR, and Mr. FOSSELLA.

H.R. 1125: Mr. GOODLATTE and Mr. KELLER.

H.R. 1137: Mr. PETERSON of Minnesota and Mr. WOLF.

H.R. 1147: Mr. RAMSTAD.

H.R. 1192: Mr. SESSIONS, Mr. BERRY, Mr. BISHOP of Georgia, and Ms. MATSUI.

H.R. 1228: Mr. MCCOTTER and Mr. BERRY.

H.R. 1232: Mr. GOODE, Mr. CARNEY, Mr. RUSH, Mr. EDWARDS, Mr. GILCHREST, Mr. WAXMAN, Ms. MATSUI, Ms. ZOE LOFGREN of California, Mr. RUPPERSBERGER, Mr. PRICE of North Carolina, and Mr. PASTOR.

H.R. 1236: Mr. FATTAH, Mrs. GILLIBRAND, Mr. HASTINGS of Florida, Mr. KING of New York, Mr. COHEN, Ms. MATSUI, and Mr. OLVER.

H.R. 1252: Mrs. CAPPS, Ms. DEGETTE, and Mr. OBEY.

H.R. 1261: Mr. SMITH of Nebraska, Mrs. CUBIN, and Mrs. McMORRIS RODGERS.

H.R. 1283: Mr. EDWARDS.

H.R. 1293: Mr. WALBERG, Mrs. GILLIBRAND, and Mr. RAHALL.

H.R. 1300: Mr. JACKSON of Illinois and Mr. OBEY.

H.R. 1302: Mr. STARK, Mr. NADLER, Mr. COURTNEY, Ms. ESHOO, Ms. BALDWIN, and Ms. WATERS.

H.R. 1322: Mr. BISHOP of New York, Ms. DELAULO, Mr. FILNER, Mr. GENE GREEN of

Texas, Mr. HOLDEN, Ms. KAPTUR, Mr. McNULTY, Mr. PAYNE, Ms. SCHAKOWSKY, Ms. SOLIS, Mr. WAXMAN, Mr. WEINER, and Ms. WOOLSEY.  
H.R. 1330: Mr. McCOTTER.

H.R. 1385: Ms. KAPTUR, Mr. McHUGH, Mr. McNERNEY, Mr. FRANK of Massachusetts, and Mr. HINOJOSA.

H.R. 1386: Ms. LINDA T. SÁNCHEZ of California and Mr. WAXMAN.

H.R. 1391: Mr. HODES and Mr. JACKSON of Illinois.

H.R. 1409: Mr. McGOVERN.

H.R. 1439: Mr. GENE GREEN of Texas.

H.R. 1461: Mrs. NAPOLITANO.

H.R. 1464: Mr. STARK, Ms. SCHAKOWSKY, Mr. HIGGINS, Mr. CHANDLER, Ms. MCCOLLUM of Minnesota, Mr. FARR, Ms. ESHOO, Mr. ENGLISH of Pennsylvania, Mr. DELAHUNT, Mr. COHEN, and Mr. McNULTY.

H.R. 1474: Mr. DAVID DAVIS of Tennessee, Mr. ARCURI, Mr. PLATTS, Mr. McCOTTER, Mr. FARR, Ms. BALDWIN, and Mr. REYES.

H.R. 1475: Ms. ZOE LOFGREN of California.

H.R. 1483: Mr. CLYBURN.

H.R. 1497: Mr. OBEY.

H.R. 1506: Mr. JACKSON of Illinois, Ms. DELAURO, Ms. WOOLSEY, Mr. GUTIERREZ, Ms. SLAUGHTER, Mrs. TAUSCHER, and Mr. OBEY.

H.R. 1507: Mr. ALLEN, Ms. SUTTON, Ms. HIRONO, Ms. ZOE LOFGREN of California, Mr. JOHNSON of Illinois, Mrs. CAPPS, Mr. PAYNE, Mr. WAXMAN, Mr. CUMMINGS, and Mr. McNERNEY.

H.R. 1514: Mr. BECERRA, Mr. PLATTS, Mr. CLAY, Mr. HAYES, and Mr. COHEN.

H.R. 1534: Mr. WAXMAN.

H.R. 1537: Mr. KELLER, Mr. MEEKS of New York, Mr. CARNAHAN, Mr. MICHAUD, Mr. BERMAN, and Mr. SALAZAR.

H.R. 1541: Ms. MCCOLLUM of Minnesota.

H.R. 1543: Mr. McCOTTER.

H.R. 1551: Mr. COOPER.

H.R. 1553: Mr. GENE GREEN of Texas, Mr. ROGERS of Kentucky, Mr. CAPUANO, Mr. GERLACH, Mr. MOORE of Kansas, Mr. FORTENBERRY, Mr. DOYLE, Mr. TERRY, Mr. WEXLER, Mr. KENNEDY, Mrs. BOYDA of Kansas, Mr. HOLDEN, Mr. PICKERING, Mr. McCOTTER, Mr. MARSHALL, Mr. PATRICK MURPHY of Pennsylvania, and Mr. WOLF.

H.R. 1554: Mr. BOSWELL and Mr. ISRAEL.

H.R. 1559: Mr. McCOTTER.

H.R. 1589: Mr. BRADY of Pennsylvania, Mr. LATOURETTE, Mr. BILIRAKIS, Ms. BEAN, Mr. BISHOP of New York, Mrs. BONO, Mr. DOYLE, Mr. CARNEY, and Mr. VAN HOLLEN.

H.R. 1590: Mr. OBEY.

H.R. 1617: Ms. BALDWIN, Ms. BEAN, Ms. BERKLEY, Mrs. BOYDA of Kansas, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Ms. CARSON, Ms. CASTOR, Mrs. CHRISTENSEN, Ms. CLARKE, Mrs. DAVIS of California, Ms. DEGETTE, Ms. DELAURO, Ms. ESHOO, Ms. GIFFORDS, Mrs. GILLIBRAND, Ms. HARMAN, Ms. HERSETH SANDLIN, Ms. HIRONO, Ms. HOOLEY, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KAPTUR, Ms. KILPATRICK, Ms. LEE, Mrs. LOWEY, Mrs. MALONEY of New York, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Ms. NORTON, Ms. ROYBAL-AL-LARD, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SÁNCHEZ of California, Ms. SCHAKOWSKY, Ms. SCHWARTZ, Ms. SHEA-PORTER, Ms. SLAUGHTER, Ms. SOLIS, Ms. SUTTON, Mrs. TAUSCHER, Ms. VELAZQUEZ, Ms.

WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Ms. WOOLSEY, Mrs. BIGGERT, Mrs. BLACKBURN, Mrs. BONO, Ms. GINNY BROWN-WAITE of Florida, Mrs. CAPITO, Mrs. CUBIN, Mrs. DRAKE, Mrs. EMERSON, Ms. FALLIN, Ms. FOXX, Ms. GRANGER, Mrs. MCMORRIS RODGERS, Mrs. MILLER of Michigan, Mrs. MUSGRAVE, Mrs. MYRICK, Ms. PRYCE of Ohio, Mrs. SCHMIDT, Mrs. WILSON of New Mexico, and Ms. ROS-LEHTINEN.

H.R. 1643: Mr. ALEXANDER and Mr. DAVIS of Kentucky.

H.R. 1645: Mr. ENGLISH of Pennsylvania, Mr. STARK, Ms. DEGETTE, and Mr. RUSH.

H.R. 1647: Mr. PLATTS, Mr. ISRAEL, Ms. ZOE LOFGREN of California, Ms. MCCOLLUM of Minnesota, Mr. GENE GREEN of Texas, Mr. GOODE, Mr. UDALL of New Mexico and Ms. BALDWIN.

H.R. 1649: Mr. SKELTON.

H.R. 1655: Mr. BOYD of Florida and Mr. CARDOZA.

H.R. 1674: Mr. WILSON of South Carolina.

H.R. 1678: Mr. JACKSON of Illinois.

H.R. 1693: Mr. FATTAH, Mr. MELANCON, Mr. JEFFERSON, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, Ms. CLARKE, and Mr. MEEKS of New York.

H.R. 1700: Mr. WILSON of Ohio, Mr. MARKEY, Ms. SUTTON, Ms. CORRINE BROWN of Florida, Mr. BRADY of Pennsylvania, Mrs. MCCARTHY of New York, Mrs. NAPOLITANO, Mr. HINOJOSA, Mr. RODRIGUEZ, and Mr. ORTIZ.

H.R. 1707: Ms. BEAN.

H.R. 1713: Mr. McGOVERN and Ms. CARSON.

H.R. 1726: Mr. STARK and Mr. GEORGE MILLER of California.

H.R. 1727: Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. MARKEY, Mr. BUTTERFIELD, Mr. WAXMAN, Mr. MORAN of Virginia, Mr. McNULTY, Mr. STARK, Ms. ESHOO, Mr. GENE GREEN of Texas, Mr. DELAHUNT, and Mr. HOLDEN.

H.R. 1728: Mr. FATTAH.

H.R. 1730: Mr. ALTMIRE.

H.R. 1731: Mr. LANTOS, Mr. WOLF, Mr. REGULA, and Mr. LAHOOD.

H.R. 1732: Mr. CARNEY and Mr. BISHOP of Utah.

H.R. 1742: Mr. McCOTTER and Mr. ENGLISH of Pennsylvania.

H.R. 1761: Mr. BAKER and Mrs. MUSGRAVE.

H.R. 1766: Mr. GERLACH.

H.R. 1774: Mr. ALTMIRE, Mr. McCOTTER, and Ms. ESHOO.

H.R. 1796: Ms. WASSERMAN SCHULTZ.

H.R. 1806: Ms. JACKSON-LEE of Texas.

H.R. 1823: Mr. HASTINGS of Florida.

H.R. 1828: Mr. WYNN.

H.R. 1847: Mr. ARCURI.

H.R. 1858: Mr. DANIEL E. LUNGREN of California, Mr. PENCE, and Mr. FEENEY.

H.R. 1862: Mr. PAUL.

H.R. 1880: Mr. BLUMENAUER, Mr. BOSWELL, and Mr. Courtney.

H.R. 1881: Mr. WAMP, Mr. TIERNEY, Mr. HOLT, Ms. DEGETTE, Mrs. BONO, Mr. SHAYS, and Ms. ROS-LEHTINEN.

H.J. Res. 18: Mr. TIERNEY.

H. Con. Res. 7: Mr. McGOVERN, and Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 21: Mr. HELLER and Mr. GORDON.

H. Con. Res. 104: Mr. LANTOS, Ms. MCCOLLUM of Minnesota, Mr. CLAY, and Mr. GILCHREST.

H. Con. Res. 108: Mr. WELLER.

H. Con. Res. 113: Mrs. MALONEY of New York and Mr. BRADY of Pennsylvania.

H. Con. Res. 115: Mr. GERLACH.

H. Res. 14: Mr. SALI and Mr. RYAN of Wisconsin.

H. Res. 71: Mr. BUTTERFIELD, Mr. RUSH, and Mr. BLUMENAUER.

H. Res. 119: Mr. McNULTY, Mr. MORAN of Virginia, Ms. LINDA T. SÁNCHEZ of California, Mrs. CAPITO, Ms. SHEA-PORTER, and Mr. SESTAK.

H. Res. 183: Mr. BISHOP of Georgia, Mr. THOMPSON of Mississippi, Ms. CORRINE BROWN of Florida, Mr. MEEKS of New York, Mr. RANGEL, Mr. MEEK of Florida, Mr. RYAN of Ohio, and Ms. CASTOR.

H. Res. 194: Mr. CUMMINGS, Mr. TOWNS, and Mr. RUSH.

H. Res. 231: Mr. GARRETT of New Jersey.

H. Res. 243: Mr. LOBIONDO.

H. Res. 282: Mr. FARR, Mr. BOSWELL, Ms. ZOE LOFGREN of California, Mr. OBERSTAR, Ms. WOOLSEY, Mr. PASTOR, Mr. BAIRD, Mrs. CAPPS, Ms. ESHOO, Mr. CARDOZA, Ms. DEGETTE, Mr. BLUMENAUER, Mr. ROSS, Mrs. DAVIS of California, Mr. THOMPSON of California, Mr. DEFAZIO, Ms. LEE, and Mr. SCHIFF.

H. Res. 284: Mr. SALI.

H. Res. 291: Mr. LEVIN, Ms. GRANGER, Mr. HIGGINS, Mr. BURTON of Indiana, Mrs. BOYDA of Kansas, Mr. FRANKS of Arizona, Mrs. MALONEY of New York, Mr. McCOTTER, Mr. PETERSON of Pennsylvania, Mrs. CAPITO, Mr. DELAHUNT, Mr. CARNEY, Ms. MCCOLLUM of Minnesota, Mr. DUNCAN, and Mr. VAN HOLLEN.

H. Res. 292: Mr. WOLF.

H. Res. 300: Ms. SHEA-PORTER.

H. Res. 307: Mr. SCHIFF, Mr. HINOJOSA, Mr. McGOVERN, Mr. CLEAVER, Mr. HASTINGS of Florida, Mr. AL GREEN of Texas, Ms. CARSON, and Mr. BUTTERFIELD.

H. Res. 309: Mr. WEXLER, Mr. ROHR-ABACHER, Mr. CROWLEY, Mr. KING of New York, Mr. POMEROY, Mr. NADLER, Ms. BERKLEY, Mr. FOSSELLA, Mrs. MALONEY of New York, Mr. OLVER and Mr. HALL of New York.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

H.R. 1905 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

H.R. 1906, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

## DELETION OF SPONSORS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 106: Mr. SCOTT of Georgia.